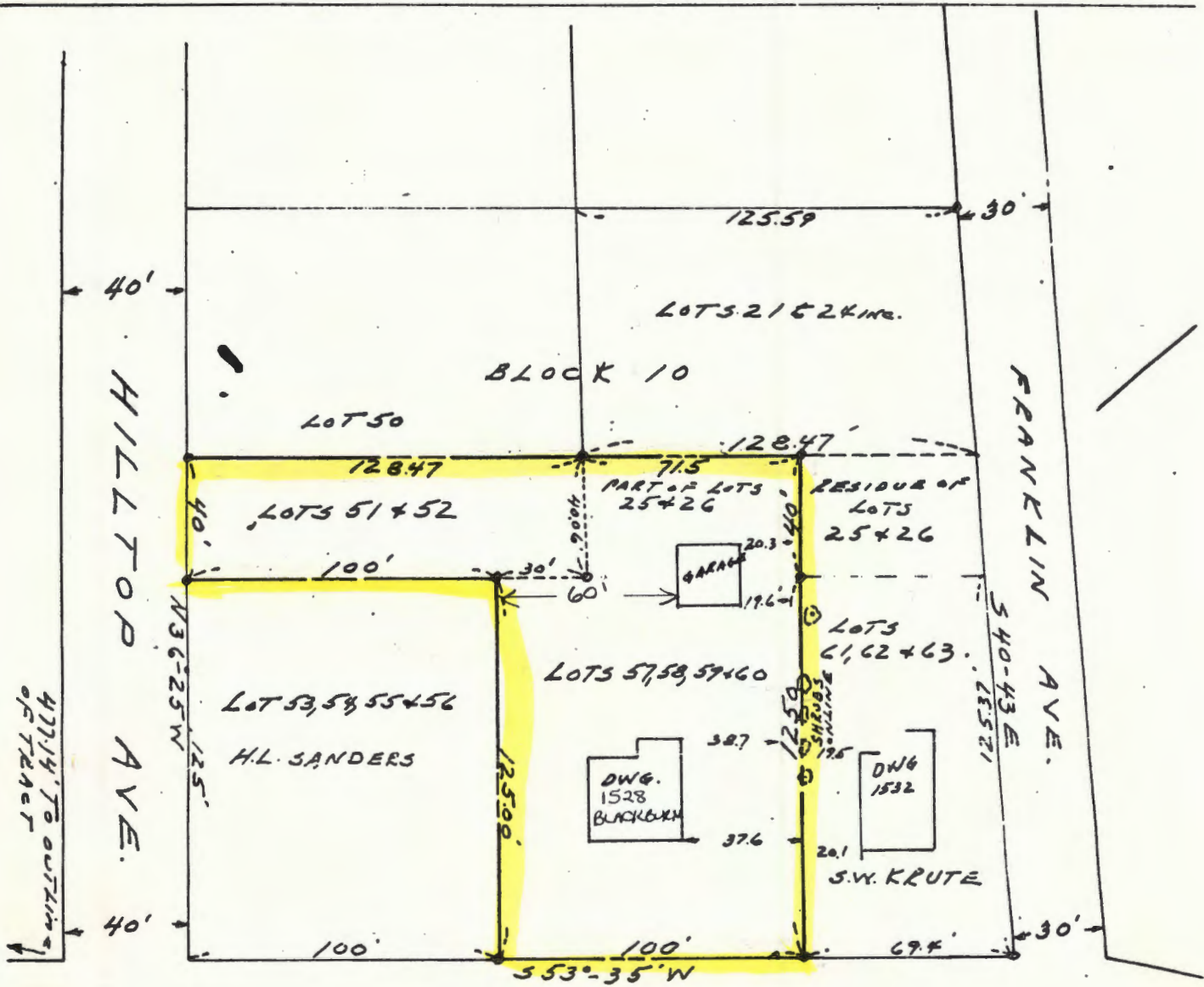


~~EXISTING~~

People's Counsel Exh. #3



INGLESIDE AVE.  
(NOW WIDENED)

*Ret 11*

PLAT OF PROPERTY  
OF  
HARRY H. BLACKBURN  
CATONSVILLE GARDENS, 1ST. DIST. BALTO. CO. MD.  
LOTS 51, 52, 57, 58, 59, 60 and PART OF 25 & 26 BLK. 10.  
PLAT REC. IN PLAT BK. W.P.C. NO. 6-157

SCALE 1" = 40' S  
ROBERT C. NORTON  
OLD COURT RD.

1 of 3

People's Counsel Exh.#4

10746/663

THIS DEED

Tax Account No/Parcel Identifier: 22-00-018019

Made this 30th day of August, 1994 by and between Warren G. Grill and Carole L. Grill, parties of the first part, and Joseph B. Hamilton, party of the second part:

WITNESSETH, that in consideration of the sum of \$91,000.00 receipt of which is hereby acknowledged, and which the parties of the first part certify under the penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said parties of the first part do grant and convey unto the party of the second part in fee simple as Sole Owner, all that property situate in Baltimore County, State of Maryland, described as:

See Schedule A Attached Hereto

which has the address of 1528 Ingleside Avenue, Baltimore, MD 21207

SUBJECT to covenants, easements and restrictions of record.

TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for the proper use only and benefit forever of said party of the second part in fee simple.

Being the same property described in Liber 10187 folio 289 among the said Land Records.

AND said parties of the first part do hereby covenant to warrant specially the property hereby conveyed; and to execute such further assurances of said land as it may be requisite or necessary.

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE

SIGNATURE: JE DATE 9/12/94

AFTER RECORDING, PLEASE RETURN TO:  
UNIVERSAL TITLE OF BALTIMORE, INC.  
22 WEST PADONIA ROAD, SUITE C  
TIMONIUM, MARYLAND 21093  
CASE NUMBER: 940-10329

UNIVERSAL TITLE  
22 WEST PADONIA ROAD  
SUITE C-338  
TIMONIUM, MARYLAND 21093

(410) 252-1208  
FAX (410) 252-9075

REC...  
State...  
for...  
9/12/94

WITNESS our hands and seals on the day and year first hereinbefore written.

Signed, sealed and delivered  
in presence of,

*[Signature]*

*Warren G. Grill* (SEAL)  
Warren G. Grill

*Carole L. Grill* (SEAL)  
Carole L. Grill

State of Maryland  
County of Baltimore ss

On this 30th day of August, 1994, before me, the undersigned officer, personally appeared Warren G. Grill and Carole L. Grill known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument bearing date of August 30, 1994 and acknowledged that they have executed the same for the purpose therein contained. In witness whereof, I have hereunto set my hand and official seal.

*[Signature]*  
Cynthia Presson, Notary Public

My commission expires: January 1, 1997

I certify that this instrument was prepared under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

*[Signature]*

CYNTHIA PRESSON  
Notary Public, State of Maryland  
Baltimore County  
Commission Expires Jan 1, 1997

SCHEDULE A

BEGINNING for the same at steel pin and cap 8440 set on the division line between Lot 56 and Lot 57, as shown on the Plat of Catonsville Gardens Block 10 and recorded among the Plat Records of Baltimore County in Plat Book W.P.C. 06, Page 157, and being N 42 degrees, 32', 30"W and 4.11 ft. distant from the original corners said Lot 56 and Lot 57, said pin also being on the existing right of way line of Ingleside Avenue (60.00 ft. wide right of way) as shown on the Baltimore County HRW 61-072-13 Plat, Dated July 1, 1961, running thence leaving said Ingleside Avenue and binding on the division line between Lot 56 and Lot 57 as shown on said Plat as now surveyed and referring all courses to the Baltimore County Metropolitan District Grid, (1) N 42 degrees 32'30"W 120.85 ft. to a steel pine found, running thence for one new line of division through lots 57 and 58, (2) N 48 degrees 56'22"E 50.07 ft. to a steel ipin and cap 8440 set, running for one new line of division through lots 26 and 25, (3) N 44 degrees 43'56"W 41.43 ft. to a steel pine and cap 8440 set on the division line between lot 24 and lot 25 as shown on abovementioned plat, running thence binding on the justmentioned division lline, (4) N 47 degrees 20'14"E 51.53 ft. to a steel pine and cap 8440 set at a point where the division line between lot 60 and lot 61 in Block 10 on said plat, if extended across said lots would intersect the northwesternmost division line between said lot 24 and lot 25; said steel pin and cap 8440 also being S 47 degrees 20'14"W and 56.09 ft. distant from a steel pin found at the northeastmost corners of said lot 24 and lot 25, running thence reversing said line so drawn, (5) S 42 degrees 32'30"E 160.48 ft. to a steel pin and cap 8440 set on the aforesaid northwest existing right of way line of said Ingleside Avenue, and being N42 degrees 32'30"W and 4.44 ft. distant from a pipe found at the original corner of the division line between said lot 60 and lot 61, running thence binding on the existing right of way line of said Ingleside Avenue for the two following courses and distances, by a curve to the left, (6) having a radius of 1030.00 ft. and an arc lenght of 16.05 ft. and a chord of S 47 degrees 29'57"W 16.05 ft. to a point, (7) S 47 degrees 03'10"W 83.95 ft. to the place of beginning. Containing 14056 Sq. Ft. or 0.3227 Acre. BEING a part of the same land described in a deed dated October 26, 1927 and recorded among the Land Records of Baltimore County in Liber 650, folio 332, and Willilam W. Blackburn and John H. Heacock to Harry H. Blackburn and Virginia R. Blackburn his wife.

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO:           Arnold Jablon, Director                                 DATE: December 29, 1993  
              Zoning Administration and  
              Development Management

FROM:         Pat Keller, Deputy Director  
              Office of Planning & Zoning

SUBJECT:      BUILDING PERMIT #B184576NR  
              PURSUANT TO SECTION 304.2 (5902 HILLTOP AVE.)

Pursuant to the provisions of BCZR, Section 304.2A and 304.2B concerning use of undersized single-family lots, OPZ recommends denial of building permit for the following reasons:

1. The proposed dwelling is not appropriate in relation to existing structures in the neighborhood. This opinion is based on the 20' building width, 52' building length and lot coverage of the proposed dwelling.
  
2. The architectural style of the proposed house is not compatible with existing homes in the established neighborhood. Most homes along Hilltop Avenue are small ranchers with their longest building face running parallel to Hilltop Avenue. The proposed 20' wide house will run over 50 feet deep into the 40' wide lot at a perpendicular angle to Hilltop Avenue. This significant design element is a drastic departure from the norm on Hilltop Avenue and would probably have a negative effect on the neighborhood.

PK:BH:lw  
BHHILLTP/PZONE/TXTLLF





## EXHIBIT A

REAR OF  
1524 INGLESIDE AVE.



## EXHIBIT B

REAR GARAGE OF  
1524 INGLESIDE AVE.  
AND  
REAR OF  
1528 INGLESIDE AVE.



## EXHIBIT C

REAR OF  
1528 INGLESIDE AVE.

*Appellant's Ex. #1*

EXHIBIT 3

RIGHT SIDE OF  
2541044407

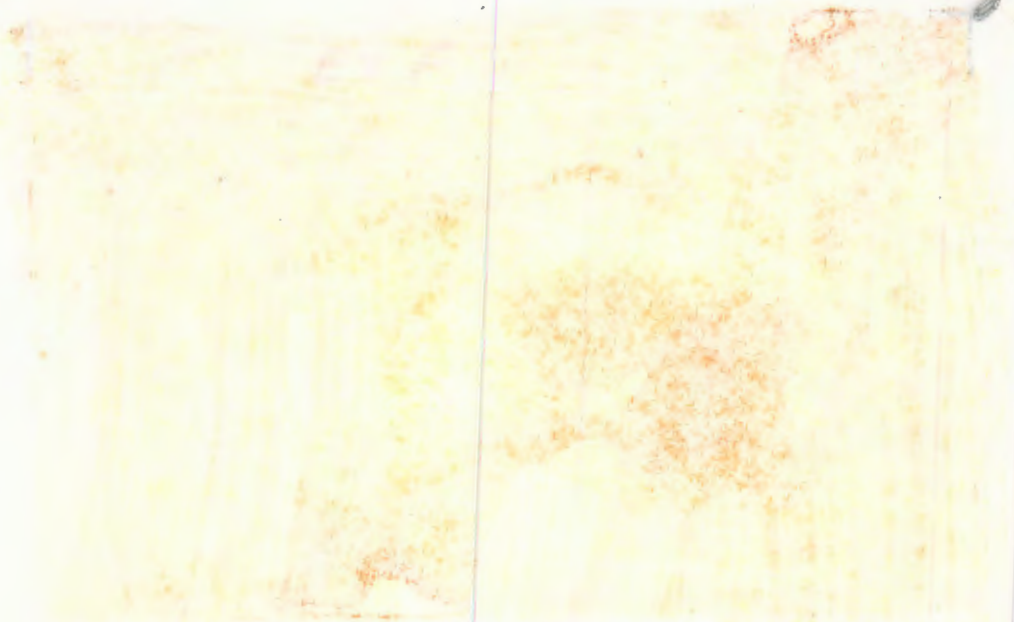


EXHIBIT 2

RIGHT SIDE OF  
2541044407





## EXHIBIT A

REAR OF  
1524 INGLESIDE AVE.



## EXHIBIT B

REAR GARAGE OF  
1524 INGLESIDE AVE.  
AND  
REAR OF  
1528 INGLESIDE AVE.



## EXHIBIT C

REAR OF  
1528 INGLESIDE AVE.

*Appellant's Ex. # 11*



## **EXHIBIT D**

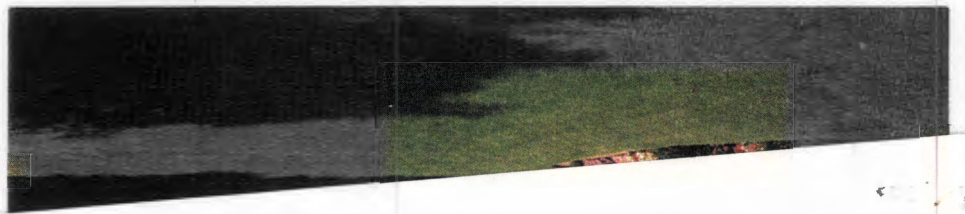
**REAR OF  
1520 INGLESIDE AVE.**



## **EXHIBIT E**

**FRONT OF  
5903 HILLTOP AVE.**





191

FEE-SIMPLE DEED—Code—City or County.

**This Deed,** Made this 26th day of October in the year nineteen hundred and twenty-seven, by William W. Blackburn, (single) and John Hunter Heacock, (single) of the first part grantors, and Harry H. Blackburn and Virginia R. Blackburn, his wife, grantees, all of Baltimore County, State of Maryland.

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable considerations the receipt whereof is hereby acknowledged, the said William W. Blackburn and John Hunter Heacock, do grant and convey unto the said Harry H. Blackburn and Virginia R. Blackburn, his wife, as tenants by the entirety, their assigns, the survivor of them, or her heirs and assigns, in fee simple;

ALL those six lots or parcels of ground situate in the First Election District of Baltimore County, being and comprising lots number 51-52-57-58-59 and 60 in Block Number Ten as laid down on the Plat of "Catonsville Gardens" said plat being recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6 folio 157.

The first four lots thereof being all and the same land and premises which by deed dated June 26, 1924 and recorded among the Land Records aforesaid in Liber W.P.C. No. 622 folio 238 etc., was conveyed by The Inter City Land Company to John Hunter Heacock.

The fifth and sixth lots aforesaid being a part of the land and premises which by deed dated August 20, 1924, and recorded among the Land Records aforesaid in Liber W.P.C. No. 603 folio 27 etc., was conveyed by The Inter City Land Company to William W. Blackburn.



Baltimore County  
 Zoning Administration &  
 Development Management  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

Petitioner's Ex. #6  
 receipt

Account: R-001-6150

Number NA

*John*

Date 12/13/93.

UNDERSIZE LOT APPROVAL FILING APPLICATION.  
 PER S. 304.2 BCZR

CODES. 030 FILING FEE \$50.00

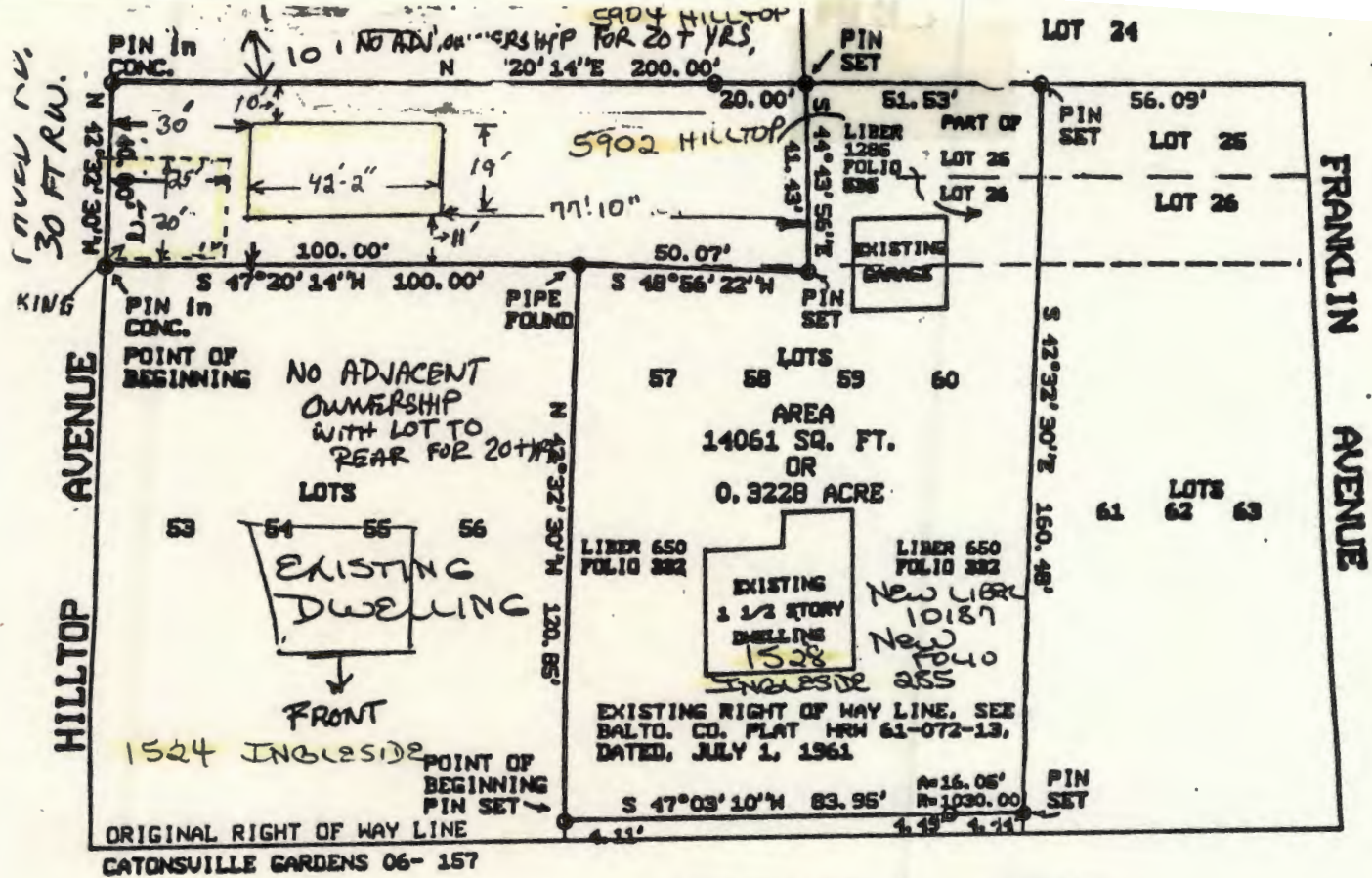
CODE 080 (DESIGN POSTING FEE 35.00

OWNER/APP. CAROLE + WARREN GRILL  
 LOC: 5902 HILLTOP AVE

Please Make Checks Payable To: Baltimore County

~~BA 0004281CHRC~~ \$105.00  
~~BA 0004281CHRC~~ 12-13-93  
 BA 0004281CHRC \$85.00  
 BA 0004281CHRC 12-13-93

Order Form No.



**INGLESIDE AVENUE**

**TITLE REFERENCE**  
 DEED DATED, OCTOBER 26, 1927  
 LIBER 650, FOLIO 332  
 WILLIAM H. BLACKBURN & JOHN H. HEACOCK  
 TO  
 HARRY H. BLACKBURN & VIRGINIA R. BLACKBURN  
 ALSO his wife  
 DEED DATED, MAY 8, 1943  
 LIBER 1285, FOLIO 536  
 WILLIAM H. BLACKBURN  
 TO  
 HARRY H. BLACKBURN & VIRGINIA R. BLACKBURN  
 his wife  
 ALSO SEE,  
 FLAT OF, CATONSVILLE GARDENS  
 PLAT BOOK W.P.C. 06, PAGE 157  
 BLOCK 10

**PLAT OF SURVEY**  
 1528 INGLESIDE AVENUE  
 PROPERTY OF,  
 WARREN G. GRILL & CAROLE I. GRILL  
 ELECTION DISTRICT, 1  
 BALTIMORE COUNTY, MARYLAND  
 SCALE: 1" = 40'  
 DRAWN: SEPTEMBER 14, 1993

FILE NO. 969



Petitioner's Ex. #7

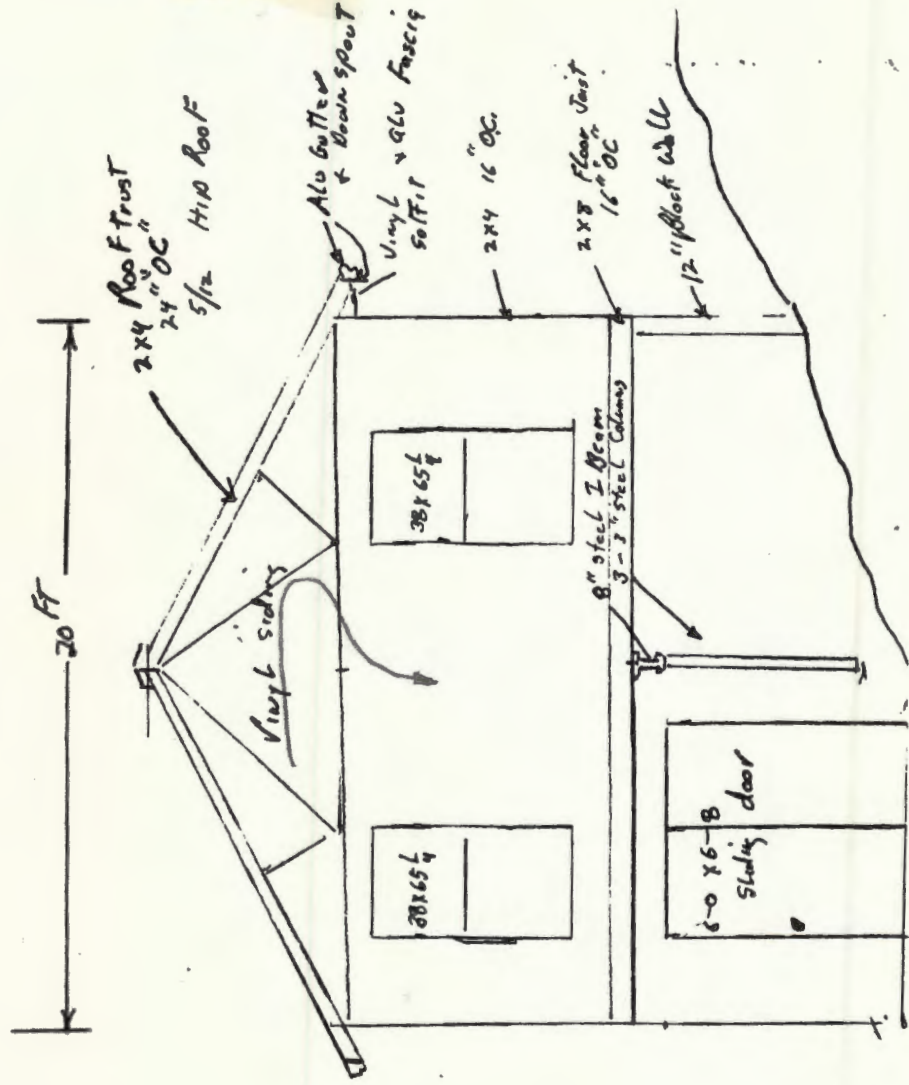
Petitioner's Exh #8

5902 Hilltop Avenue

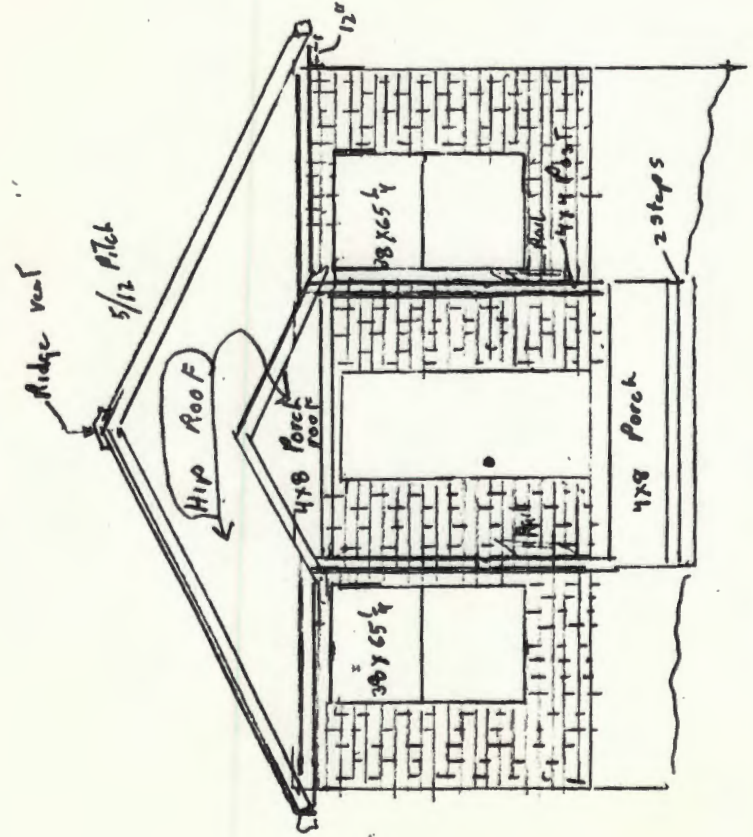
RANCHER ORIGINALLY SUBMITTED

Old Application

BACK



Front



3/16 = 1 FT

East side

Brick Front

HIP ROOF

5/12 A/C  
HIP ROOF

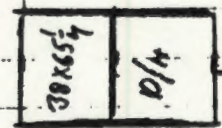
20 Year Fiberglass Shingles

5" Gutter

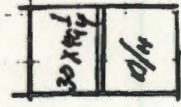
219 Down Spout

Front

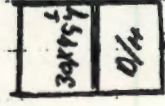
7' 11"



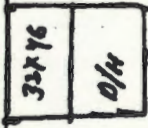
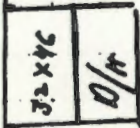
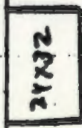
Vinyl Siding



12' 11"



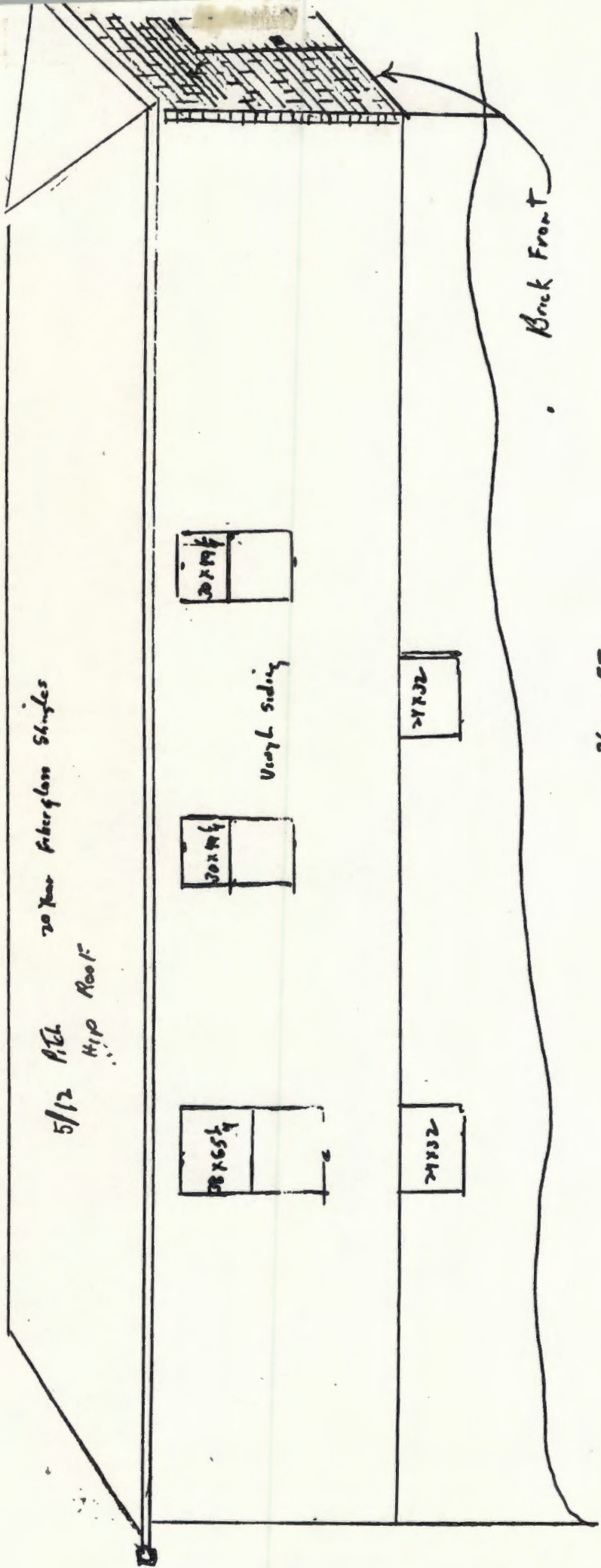
13' 11"



60x60  
sliding  
door

1/1 = 9/16

West side



5/12 Pitch Hip Roof  
20 Year Fiberglass Shingles

20x14

20x14

20x14

Vinyl Siding

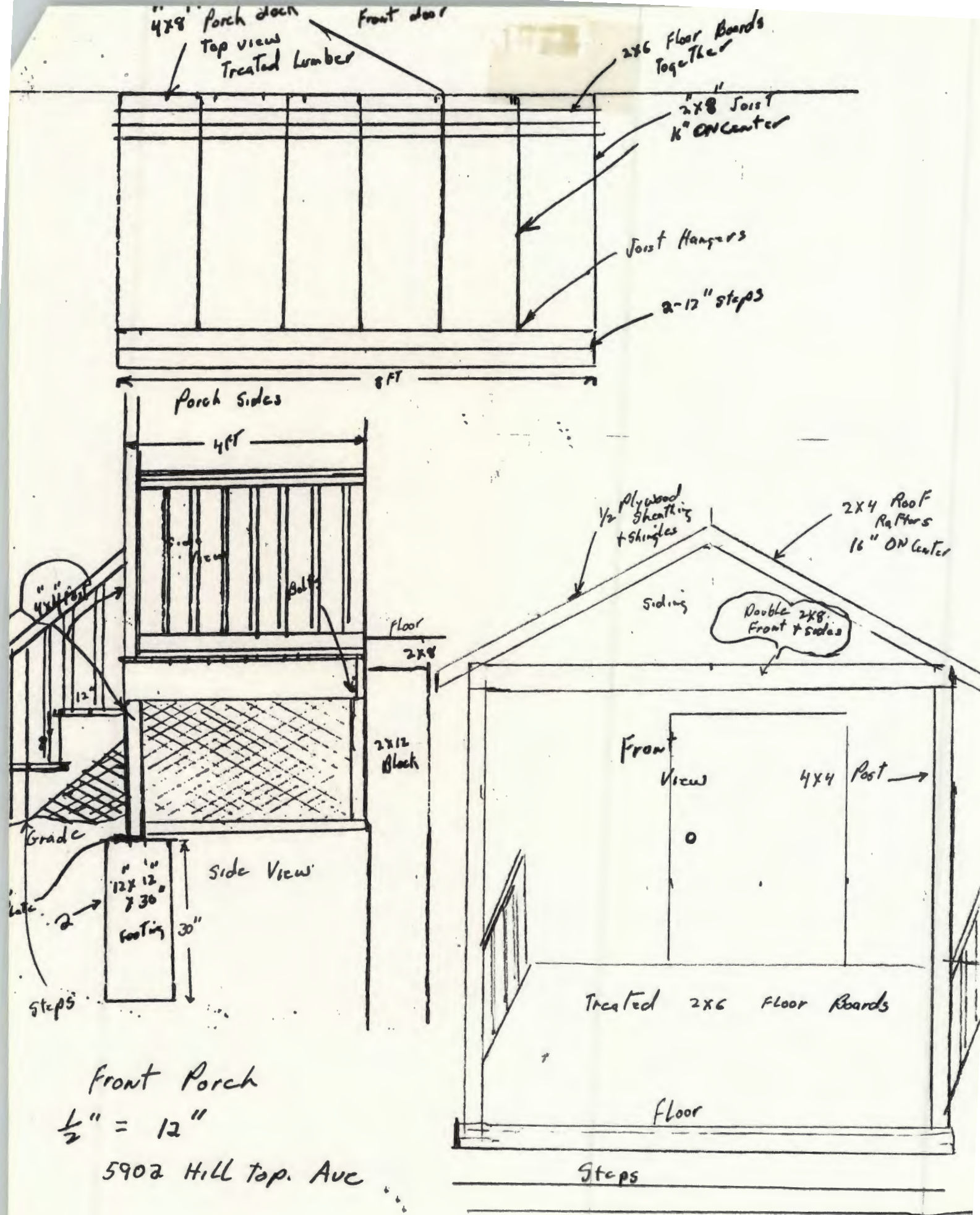
24x32

24x32

Back Front

3/16 = 1 FT



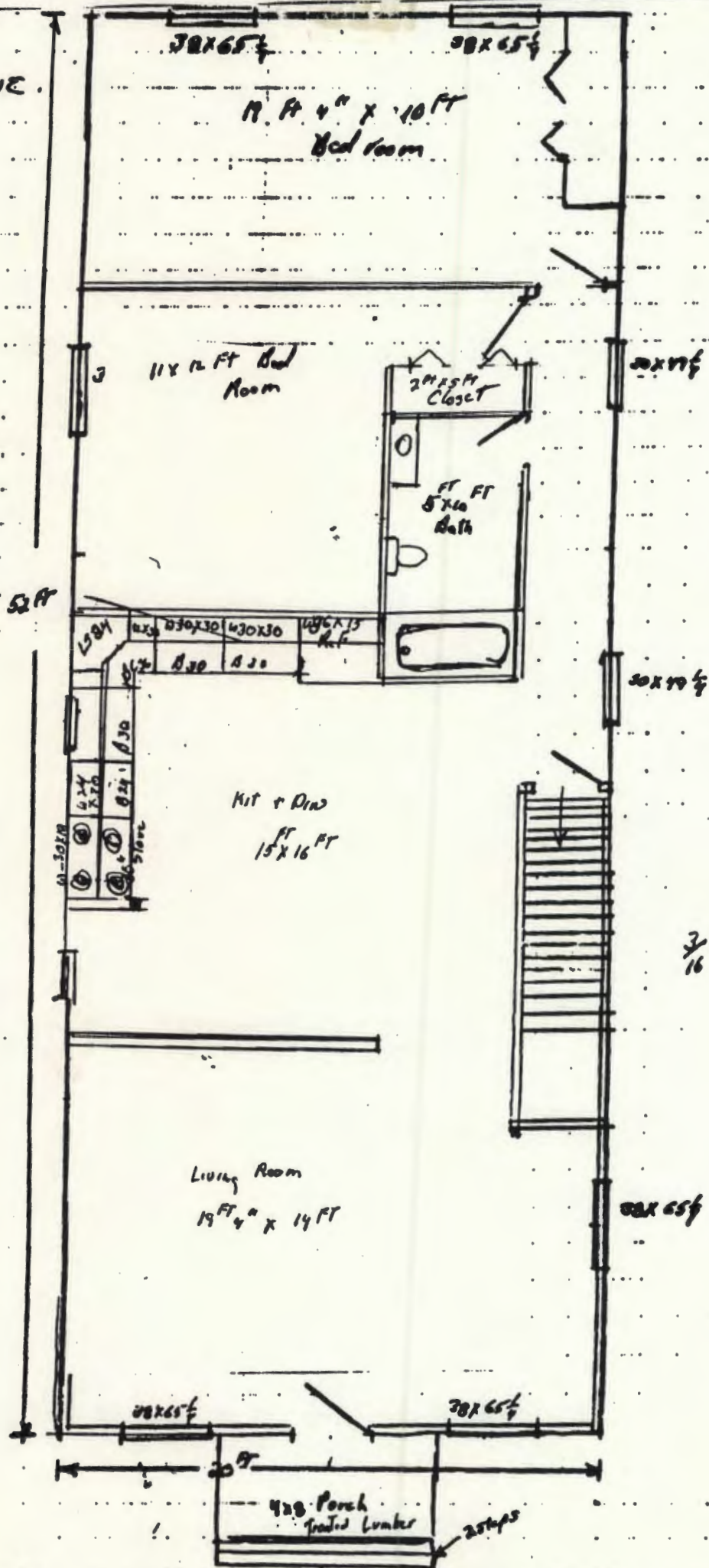


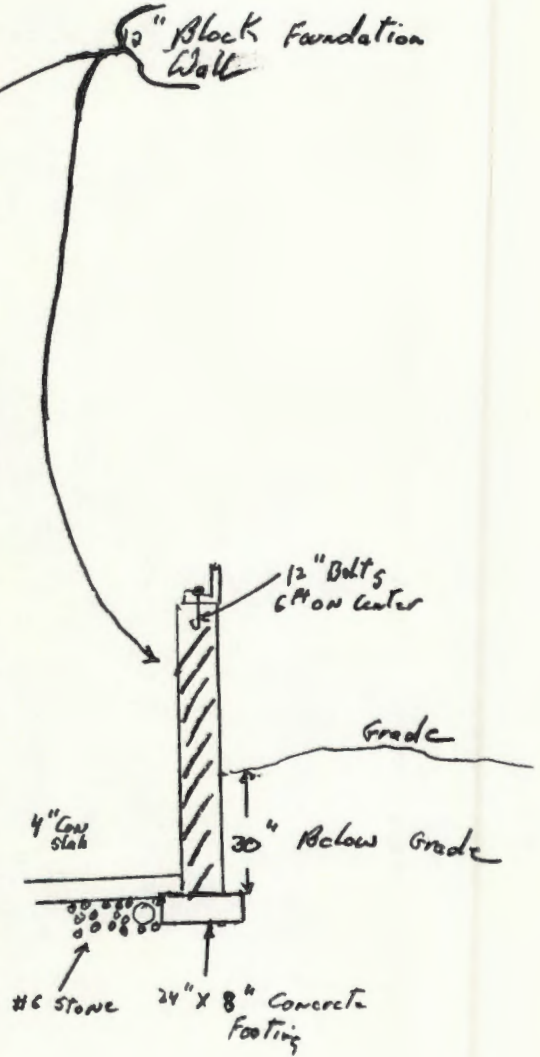
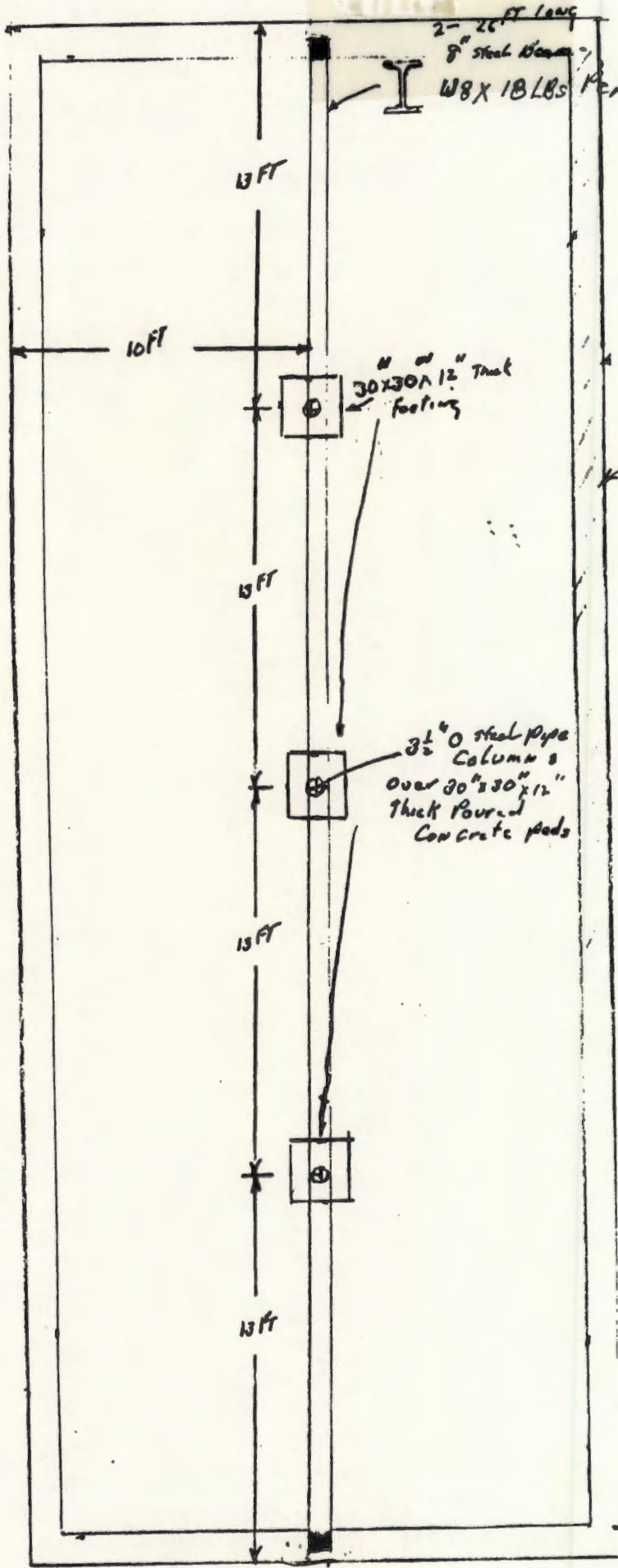
Front Porch  
 $\frac{1}{2}'' = 12''$   
 5902 Hill Top Ave

5902  
HILLTOP AVE.

$\frac{3}{16} = 1 \text{ FT}$

Floor Plan





*Present Application*



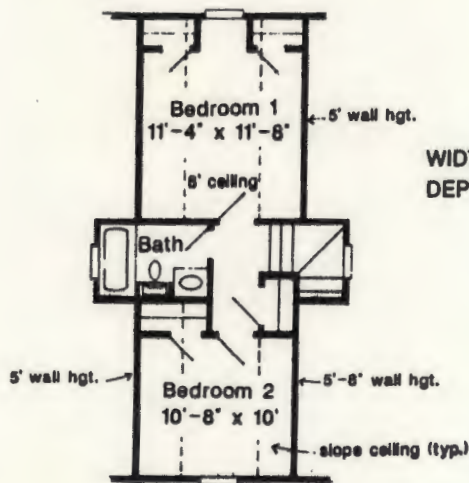
**Design AA9150**

First Floor: 588 square feet  
 Second Floor: 397 square feet  
 Total: 985 square feet  
 Width 19'  
 Depth 40'-2"

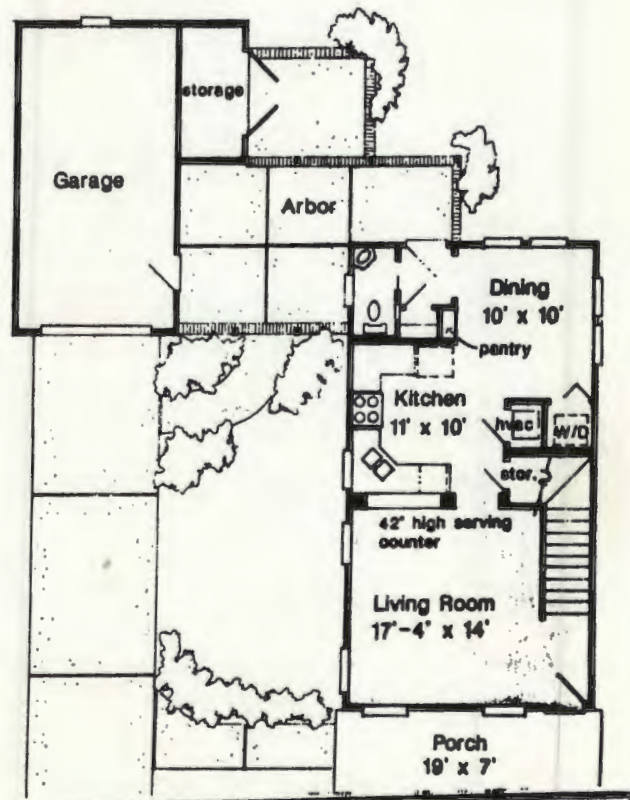
● This quaint little Victorian cottage serves perfectly as a starter or second home; or maybe you have it in mind for a lakefront location. Beyond the front porch, the living room defines the front of the house. A full kitchen, a dining room and a powder room account for the back of the house. Each of these areas appreciates an abun-

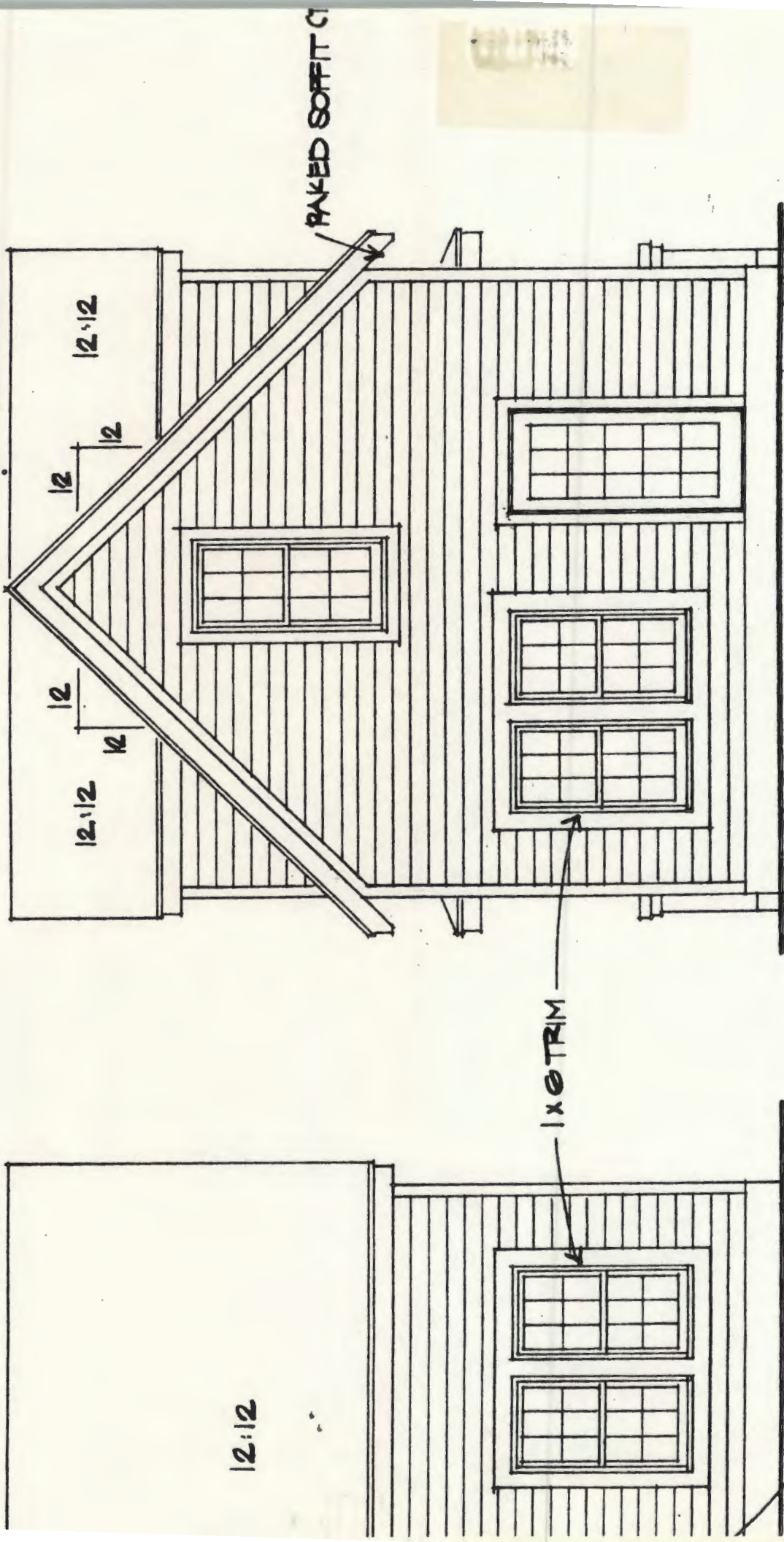
dance of natural lighting and excellent space utilization. Upstairs, two family bedrooms share a full bath. Bedroom 1 enjoys twin closets. Economical construction makes this house even more attractive. You'll find a detached garage with storage space just beyond the back door and arbor making a delightful outdoor living space.

Design by  
 Larry W.  
 Garnett &  
 Associates, Inc.



WIDTH 19'  
 DEPTH 40'-2"

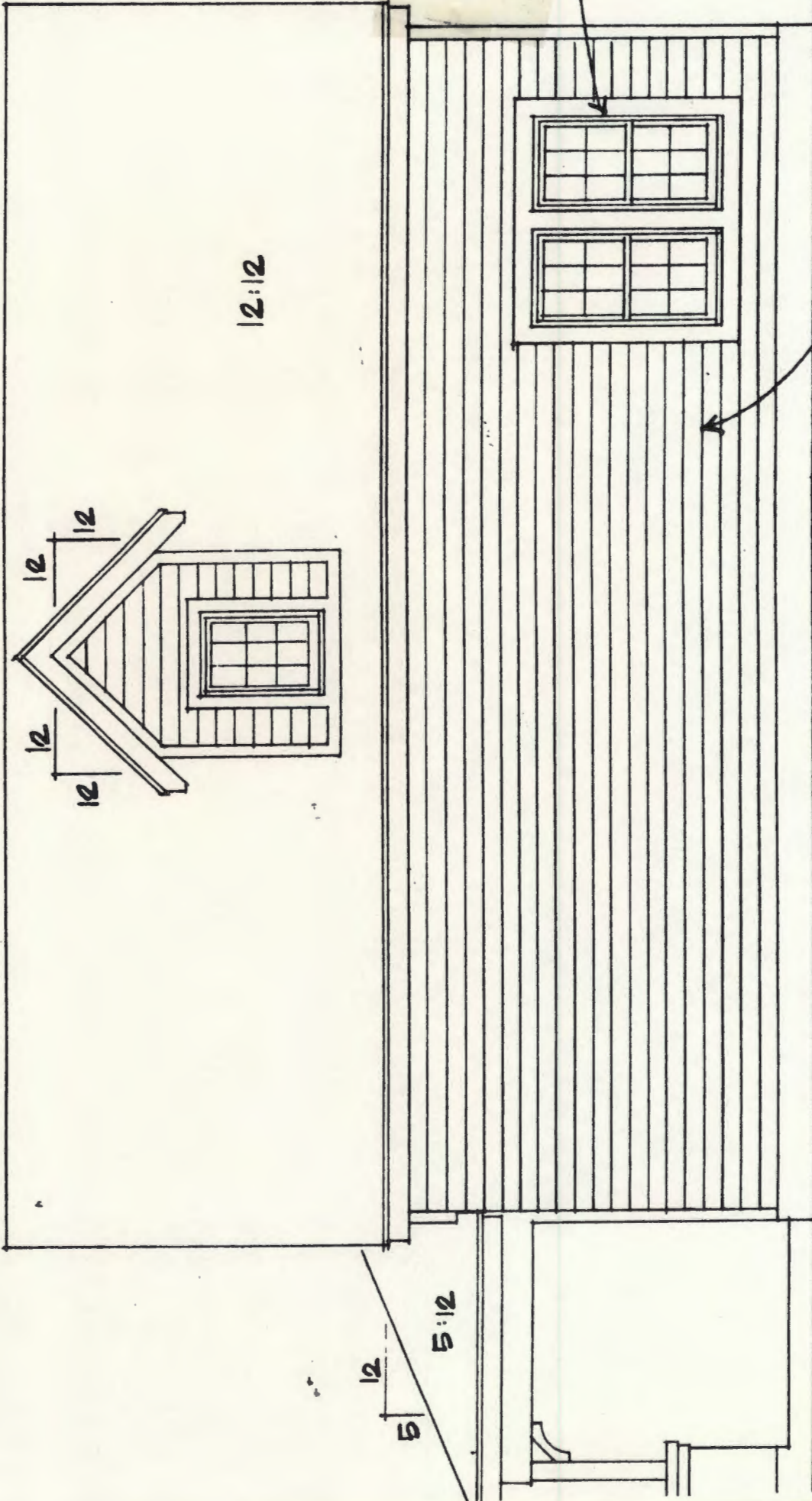




REAR ELEVATION

MASCHITE COUNTRYSIDE SIDING

DECORATIVE CABLE END



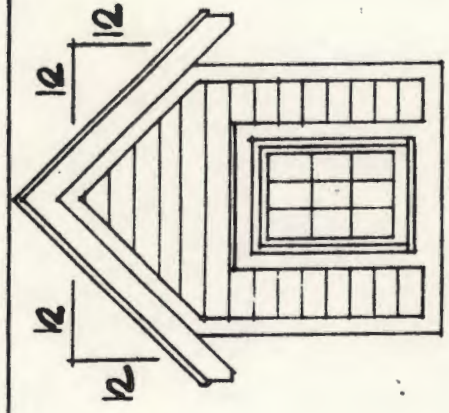
1x6 TRIM

MASCHITE COUNTRY SIDING

RIGHT SIDE ELEVATION

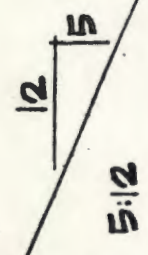
MASCHITE COUNT

RIGHT SIDE ELEVATION



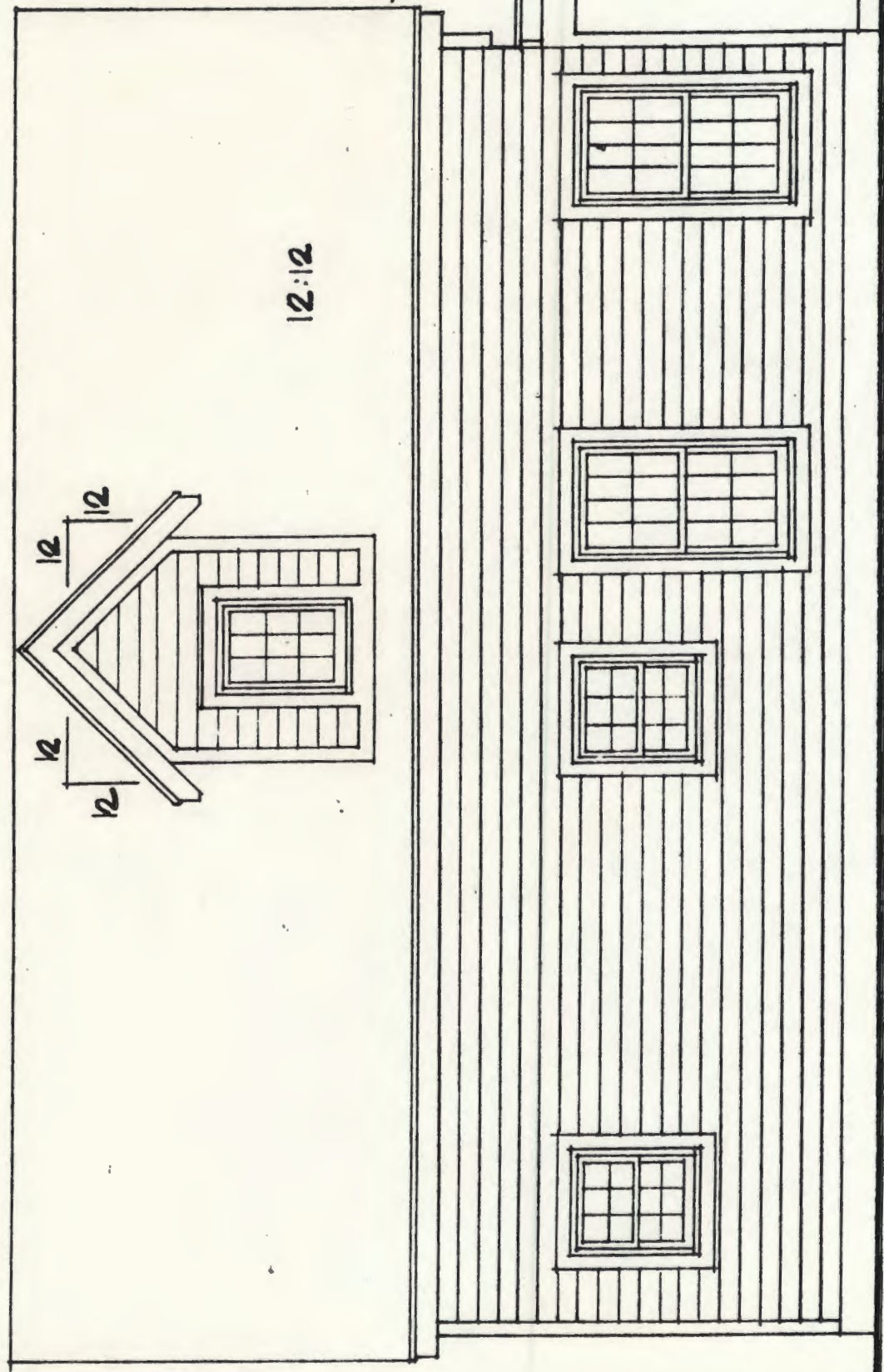
12:12

2 x 6 PASC  
1 x 4 PASC  
1 x 10 PASC



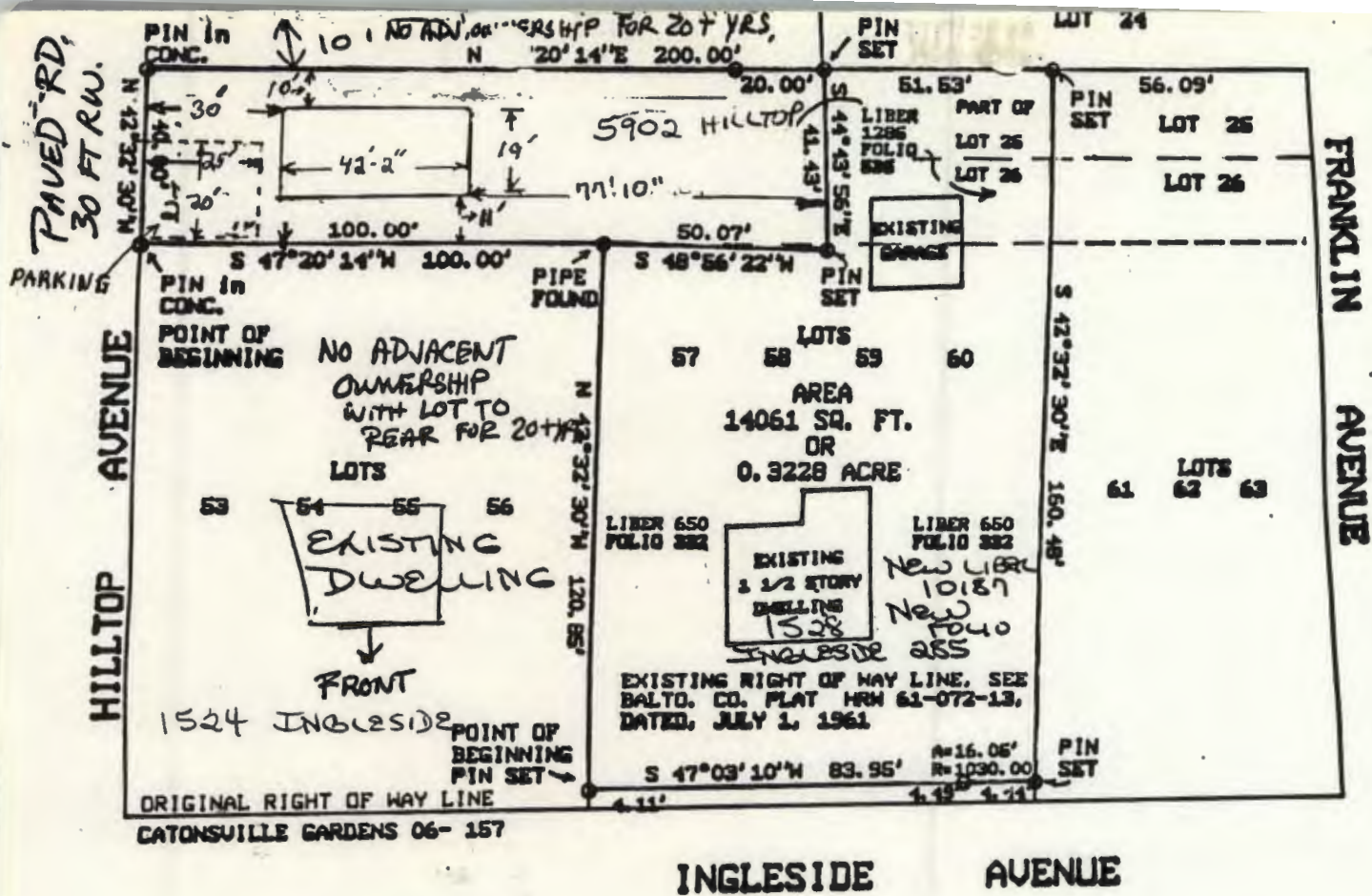
5:12

12" BRACKET



6x6 TREATED POST -  
SECURE TO FOUNDATION  
30' HIGH BRICK PEEDESTAL

LEFT SIDE ELEVATION



CATONSVILLE GARDENS 06-157

INGLESIDE AVENUE

**TITLE REFERENCE**  
 DEED DATED, OCTOBER 26, 1927  
 LIBER 650, FOLIO 392  
 WILLIAM H. BLACKBURN & JOHN H. HEACOCK  
 TO  
 HARRY H. BLACKBURN & VIRGINIA R. BLACKBURN  
 ALSO his wife  
 DEED DATED, MAY 8, 1943  
 LIBER 1285, FOLIO 636  
 WILLIAM H. BLACKBURN  
 TO  
 HARRY H. BLACKBURN & VIRGINIA R. BLACKBURN  
 ALSO his wife  
 ALSO SEE,  
 PLAT OF, CATONSVILLE GARDENS  
 PLAT BOOK M.P.C. 06, PAGE 157  
 BLOCK 10

**PLAT OF SURVEY**  
 1528 INGLESIDE AVENUE  
 PROPERTY OF,  
 WARREN G. GRILL & CAROLE I. GRILL  
 ELECTION DISTRICT, 1  
 BALTIMORE COUNTY, MARYLAND  
 SCALE: 1" = 40'  
 DRAWN: SEPTEMBER 14, 1993

FILE NO. 969



*William E. Doyle*

Petitioner's Exh. # 22



Petitioner's Ex. # 23

NOVEMBER 30, 1994

MR. JOSEPH LOTZ  
5904 HILLTOP AVENUE  
BALTIMORE, MD 21207

DEAR MR. LOTZ,

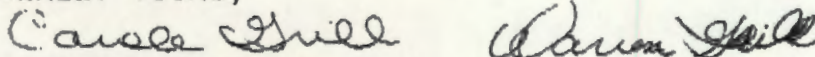
AS AN ADJOINING OR NEIGHBORING PROPERTY OWNER TO 5902 HILLTOP AVENUE, WE CAN APPRECIATE YOUR CONCERNS ABOUT THE APPROVAL OF THE BUILDING PERMIT APPLICATION BY THE ZONING COMMISSIONER. THEREFORE, WE WOULD LIKE TO KNOW IF YOU ARE INTERESTED IN PURCHASING THE LOT BEFORE WE INCUR ANY ADDITIONAL EXPENSES OF BUILDING ON THE LOT.

WE HAVE PROCURED A MARKET ANALYSIS OF LOTS IN YOUR AREA AND WOULD BE WILLING TO ACCEPT A FAIR OFFER FROM YOU. THE INFORMATION WAS OBTAINED BY A REPUTABLE REAL ESTATE COMPANY.

IF YOU DO NOT RESPOND BY TELEPHONE OR LETTER ABOUT THE PROPERTY BY DECEMBER 15, 1994, WE WILL ASSUME THAT YOU ARE NOT AN INTERESTED PARTY AND WILL PROCEED WITH THE APPEAL HEARING ON JANUARY 26, 1995. WE HAVE HAD OTHER INTEREST IN THE PROPERTY, BUT FEEL IT ONLY FAIR TO OFFER THE LOT TO AN ADJACENT OR NEIGHBORING PROPERTY OWNER FIRST.

PLEASE FEEL FREE TO TALK TO US ABOUT ANY QUESTIONS OR CONCERNS YOU MAY HAVE. WE WOULD LIKE TO RESOLVE THIS MATTER AS SOON AS POSSIBLE AND TO HOPEFULLY MAKE IT AGREEABLE FOR ALL PARTIES CONCERNED.

SINCERELY YOURS,

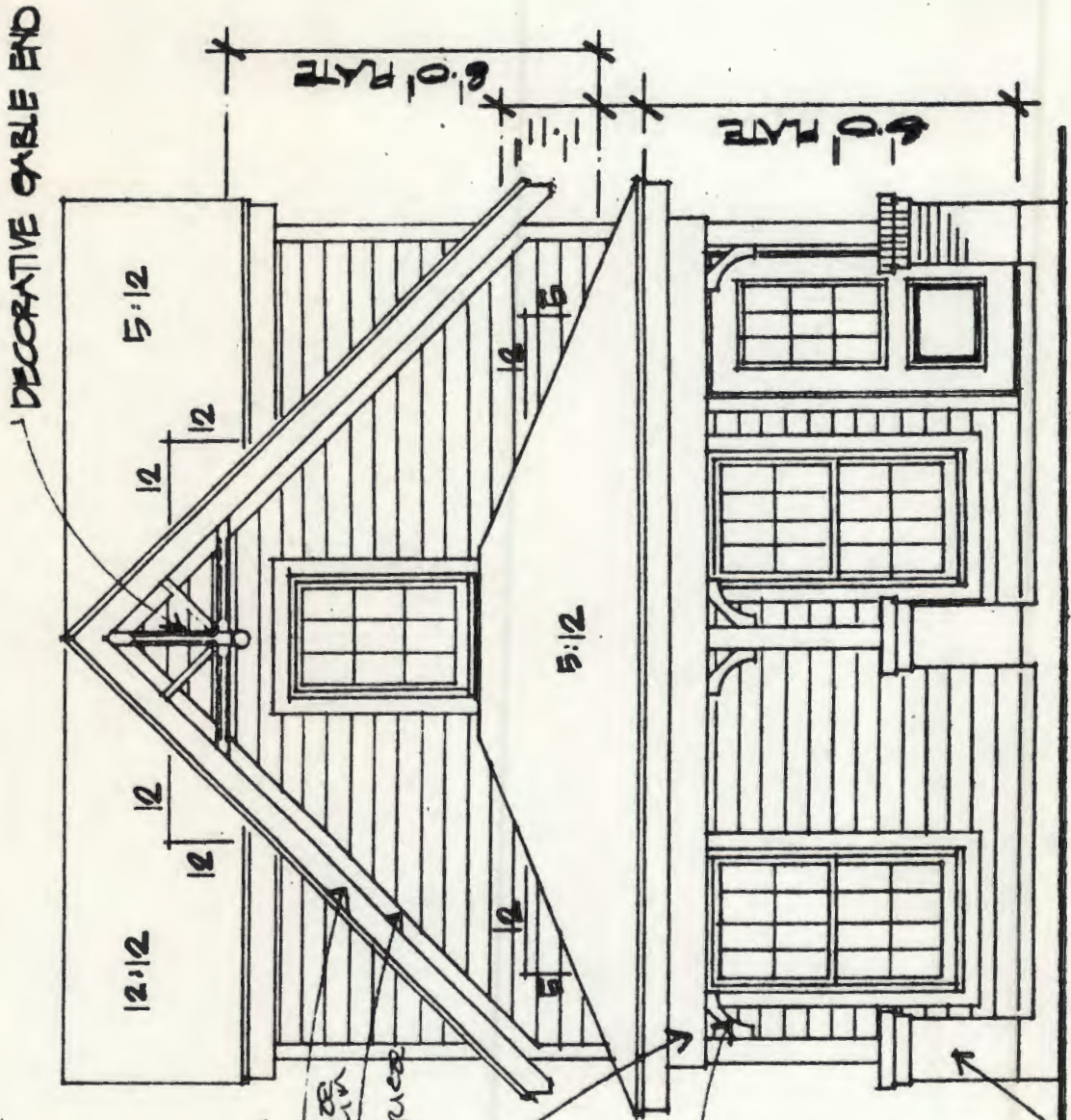


CAROLE AND WARREN GRILL  
6220 ROLLING VIEW DRIVE  
SYKESVILLE, MARYLAND 21784  
(410) 795-2598 OR (410) 549-1111



INTRYSIDE SIDING

FRONT ~~VIEW~~ ELEVATION



DECORATIVE CABLE END

12x12

12

12

5:12

12

12

5:12

2 X 8 FASCIA  
SCIA  
X 4 FASCIA  
EZE/TRIM  
2 1/2 EZE  
1 X 10 FASCIA

12' BRACKETS

6' 0" PITCH

6' 0" PITCH

WARREN GRILL, et ux.

Petitioners

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY, MD

Case No. CBA 94-163

\* \* \* \* \*

MEMORANDUM

The Petitioners, by their attorney, C. Victor McFarland, respectfully present the following memorandum in the subject case.

This case arose when the Petitioners came to Baltimore County to get the necessary permits to allow them to build a house on two lots with a combined width of 40 feet in lieu of the required minimum width of 55 feet. The two lots involved in this case were created on a 1918 subdivision plat called Catonsville Gardens recorded among the Land Records of Baltimore County in plat book 6, folio 157. Upon the advice of the Office of Planning and Zoning, the Petitioners conveyed the rear most 20 feet of lots 25 and 26 of the same subdivision to create a lot with the minimum 6,000 square feet allowed under Bill 100.

The Petitioners do not own the adjacent lots to the subject property which would enable them to increase the width of those lots.

Thus, this case involves an undersized lot and upon the advice of the Office of Planning and Zoning proceeded under Section 304 of the Zoning Regulations. We were advised by People's Counsel that this was the first undersized lot proceeding under Section 304 rather than Section 307-Variances.

The Petitioners believe the Office of Planning and Zoning was correct in the procedural advice given the Petitioners.

Both Sections 304, et seq. and 307 were enacted when the zoning regulations were created to grant relief from situations that would create hardships and problems known and unknown to the County Commissioners at that time.

RECEIVED  
COUNTY BOARD OF APPEALS  
95 FEB 10 PM 12:54

True Copy Test:  
*Robert O. Schuck*  
Chairman, County Board of Appeals

Both sections apply to area regulations. Section 304 requires that all "...requirements of the height and area regulations are complied with;..." Section 307 allows "...the power to grant variances from height and area regulations,..."

However, even though it is obvious that the same power is granted in both statutes, there is no conflict in the application of these two statutes. Section 304 is to apply to undersized lots and Section 307 is to apply to all other variances. In other words, if a Petition is for anything other than an undersized lot 307 would apply.

However, the proof required under these two sections differ greatly. In Section 304, the Office of Planning and Zoning must "...determine appropriateness of the proposed new building in relation to existing structures in the neighborhood." Emphasis supplied. The word "appropriate" is used four times in that statute leaving no doubt that it is the yardstick to be used.

The yardstick set forth in Section 307 is the requirement of the zoning regulation height and area requirements do not "...result in practical difficulty or unreasonable hardship" .....  
..."Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety and general welfare." Emphasis supplied

Section 304 makes no reference to "public health, safety and general welfare".

At the hearing in this case before the County Board of Appeals, the term "compatible with the neighborhood" or variations thereof were used. However, the term applicable to this case is "appropriateness" and is defined in Webster's New Collegiate Dictionary, 1958 Edition, as "Belonging peculiarly; specially suitable; fit; proper; as, words *appropriate* to the theme.". Compatible is defined as "1. Capable of coexisting in harmony;..." and is, therefore, a more stringent requirement. Appropriateness is more flexible.

Both Sections 304 and 307 are part of "Area Variances" and generally apply to area, height, density, setback or sideline restrictions. Anderson v. Board of Appeals, Town of Chesapeake Beach, 1974, 322 A.2d 220, 22 Md.App. 28.

The problem created by this case was the application of the new zoning regulations in 1955 to lots that had only been subject to real estate market forces, customs and usage. The purpose was expressed in the enactment of Section 304 is to allow the development of those lots with minimal requirements if the owners could not make regular lots by use of the owner's other property adjacent to the undersized lot.

The Protestants' complaints are the same as those that would apply to a house built on regular sized lots that might not be appropriate to the neighborhood (i.e. parking, traffic safety, value of their property, water runoff, etc.). Economics dictate that you can only build on an undersized lot and what the market will bear. It is evident that some of the neighbors do not want any house built on the subject lots.

It must be pointed out that, although this case is to be tried "de novo", the Zoning Commissioner visited the property and community and found that the proposed building to be "appropriate". He is a fact witness.

"A variance is designed as an escape hatch from the literal terms of the ordinance which, if strictly applied, would deny a property owner all beneficial use of his land and thus amount to confiscation. A variance is granted to render justice in unique and individual cases of practical difficulties of unnecessary hardship resulting from a literal application of the zoning ordinance. It is designed to correct maladjustments and inequities in the operation of general regulations. To accomplish this end, authority is extended to a property owner to use his property in a manner forbidden by the zoning enactment."  
88 Am.Jur. 2d

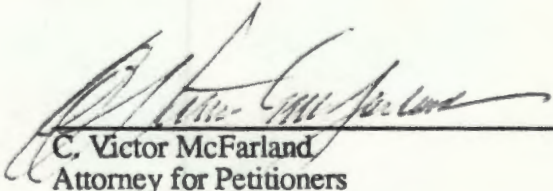
"Generally the action of a zoning board or officer with respect to the granting or denial of an exception, variance, or permit will be presumed to be legal and correct, and the person appealing from the action has the burden of overcoming the presumption of legality." 23 M.L.E. 507 § 50, citing Mayor and Council of City of Baltimore v. Biermann, 1947, 50 A.2d 804, 187 Md. 514

Section 304 is primarily concerned with the undersized lot owners and their assigns' prior rights as affected by the enactment of the Zoning Regulations, no mention is made, therefore, to "injury to the public health, safety and general welfare". Section 307 is not necessarily concerned with rights that existed before 1955 and, therefore, concerns all other variances that do not come within the purview of Section 304. Section 307 is the catch all variance statute and its primary concern is with; will the requested variance cause any "injury to the public health, safety and general welfare".

The Petitioners believe that the following two rules of statutory construction apply to the application of Sections 304 and 307:

1. "While, in the construction of an ambiguous statute custom or usage may be resorted to in order to ascertain the meaning of the Legislature, no custom, however venerable, can nullify the plain meaning and purpose of the statute." 20 M.L.E. 444, Statutes § 95. Contemporaneous or Practical Construction; Custom or Usage (cases cited)
2. "Where two statutes are not irreconcilable and mutually repugnant, they should be construed both together in harmony with the objects and tenor of the legislation on the subject, and if two legislative acts can reasonably be construed together, so as to give effect to both, such a construction is to be preferred." 20 M.L.E. 454, Statutes § 112. Construction with Reference to Other Statutes, (cases cited).

WHEREFORE, the Petitioners request that the Protestants failed to meet their burden to establish that the development of the lots as proposed is not appropriate to the circumstances of this case.

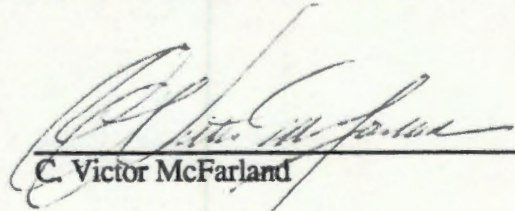


---

C. Victor McFarland  
Attorney for Petitioners  
1002 Frederick Road  
Catonsville, Maryland 21228  
(410) 788-2300

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 9<sup>th</sup> day of FEBRUARY, 1995, I caused to be mailed, first class, postage prepaid, a copy of the foregoing Memorandum to Peter Max Zimmerman, Esquire, People's Counsel, 606 Baltimore Avenue, Suite 204, Towson, Maryland 21204.

  
\_\_\_\_\_  
C. Victor McFarland

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Warren Grill, et ux -Petitioners  
Case No. CBA-94-163

DATE : February 15, 1995 @ 9:30 a.m.

BOARD /PANEL : Judson H. Lipowitz (JHL)  
Robert O. Schuetz (ROS)  
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer  
Administrative Assistant

Counsel for Petitioner -C. Victor McFarland, Esquire  
People's Counsel for Baltimore County -Peter Max Zimmerman

PURPOSE --to deliberate issues and matter of Case No. CBA-94-163 as presented to the Board; testimony and evidence taken January 26, 1995. Opinion and Order to be issued by Board setting forth written findings of fact.

JHL: Opening comments, including name and number of case.

ROS: Began by making general statement regarding public deliberation and extent to which some people are made angry by what is said; unusual procedure for average person to understand; consider position of being on jury and then having to discuss case in presence of all interested parties.

Has been considering this particular case for about two weeks; People's Counsel raised important issues regarding application of 304 and 307; 304 in use of undersized lot and 307 being that part of zoning regulations which discusses variances; and issue of intent of 304 versus issue of technical reading of 304; and how that might invoke need to go to 307; prepared to talk about all of that; prepared to talk about architectural issues as well. First, intent of 304.1A. First of all, number of lots throughout the County created prior to 1955; whole idea behind 304 is to insure that lots created were meant to be considered usable. In this particular case, property to rear, which is on Ingleside Avenue, has no effect on width criteria not being met; hence issue of whether or not there is sufficient width on this particular property to build is not impacted by the sale of property along Ingleside Avenue; that part of 304 governing this part of the test is met because, in my opinion, those lot lines were established prior to 1955. In this particular case, all that was done in

True Copy Test:  
*Kathleen C. Weidenhammer*  
Chairman, County Board of Appeals



fact was increase depth of property; looking at chain of title where certain lots were bought and sold, the lots in question, 51 and 52 under old original subdivision, are still same lots being developed; just have more backyard; regarding intent, there is unique issue of 304.1A; one might argue that "A" is not met due to addition of small parcel, with recording of new lot shape; one could argue this lot does not meet strict reading of 304.1A, such lot having been duly recorded. On that particular point, if one were to take that position, that would automatically require Petitioner to move to 307, again raising other criteria to be met. Again, look to time of original constraining factor -- lot width; drawn prior to 1955 in a validly approved subdivision. Lots that were added to 51 and 52 were still part of that same validly approved subdivision; nothing has changed; it's the same ground; hasn't changed; therefore, even from technical reading of 304.1A, still met. If one looks at requirements of 307, if colleagues are able to convince me that 307 is the way to go, this property, the proposed development, easily meets requirements under 307. However, believe 307 to be moot in this particular case because 304.1A has been met; 304.1B has been met and 304.1C has been met; not persuaded that sale of lots 57, 58, 59 and 60 qualifies as issue which would preclude the owner from meeting 304.1C where the owner cannot own sufficient adjoining land; not at issue / constraining factor is width of lot not area; so, for all reasons, believe 307 is moot and not issue to be discussed.

Regarding 304.2 and the rest of 304 and whether or not property owner meets criteria -- believe he does; quite a few issues raised by Protestants regarding siting of building; whether or not it will be "shotgun" siting, etc. Background in architecture; appreciate what owner has done; made some attempt; prior proposal was withdrawn; not met with much enthusiasm; went back to drawing board, so to speak; situation where very unique site; fairly well established, old neighborhood; well kept; well settled; clean residential area; apparently nice folks in area. Discussed unique nature of project; need for architect; cannot pull out set of prints and put house there; unique situation; warranted sensitivity. However, came up with design which is adequate to meet criteria; not optimal, but adequate; constraints of site are such that to meet side setback requirements, put in 20-foot wide building; no problem with that; however, issue of design comes into play; architectural design, looked at all criteria under item 2 A through F (height, bulk, etc.); also looked at all photographs in area; great deal of uniqueness to site because, looking up and down street, actually did elevation drawing of both sides of street; in Protestants' point of view regarding masses, opinion is that this is shot down because

there is much more massive building across street /on diagonal; showed up on corner of photograph; able to find there is building with much more mass. Regarding rhythm, almost obvious that gable is most appropriate for site /looking at another house 4 lots down; setback is issue where property owner attempted to be sensitive to adjoining property owner's setback and view to Ingleside Avenue, etc. Aligning that particular house with other house on Ingleside Avenue; appropriate step to take; most frequently done where first house not on corner is one which is responding to architectural character of corner house; by setting it back, is obviously responding to those same conditions which exist on Ingleside Avenue rather than having that house sitting out closer to Ingleside Avenue and in more plain view than adjoining house.

For all these reasons, believe owner meets criteria of 304.2A and B1, 2 and 3; design amendments were done in deference to concerns of surrounding community; neighbors should be grateful owner went this route rather than impose will on site; for all those reasons, believes petition should be granted.

JHL: Regarding Section 304.2B, appropriateness of proposed new building, listened to Rob and respect fact that he is architect, and believes all reasons given are good reasons, and without belaboring point, appropriateness issue has been satisfied by Petitioner. However, has problems with 304.1A, B and C; particularly with A and C: "A" being the question of whether or not this was lot that was duly recorded either by deed or validly approved subdivision prior to 1955 and "C" being whether owner of lot owns sufficient adjoining land; like to address 304.1C first. Current owners of property by deed are Grills; thinking in terms of how Board is going to write opinion, and opinion needs to make findings of fact; must make conclusions of law based on those facts; owner under this regulation is not a snapshot taken day of hearing; not within spirit and intent of zoning regulations; have to look at this lot and ownership of lot over time; particularly in this case where snapshot is needed on March 30, 1955; in regard to "C", need to decide if owner of lot had sufficient adjoining land, the owner would have to be the Blackburns and successors, including the Grills; Blackburns for 65 years, give or take, would have sufficient adjoining land to conform with area requirements, particularly width requirements; by virtue of conveyances, owner, particularly successors, the Grills, now no longer have that adjoining land; believes that is, for lack of better term, self-imposed. Having big problem with that; in regard to "A", one argument is that land of lot

51 and 52 and having combined width at the rear of 25 and 26, land in question here today has been part of a validly approved subdivision since well before 1955; was since 1927 and 1943 at the latest; there in 1918. But either way, it was all before 1955. But we're not talking about land; this ordinance or zoning regulation speaks to a one family type dwelling erected on a lot; refers to such a lot. Lot we have before us today does not constitute a lot approved before 1955; will expound upon these findings of fact in written opinion; would be difficult for us to grant this request; 304.1B has been met that all other requirements have been complied with; but not saying that once opinion has been written, that if there is something in there that would convince me that A and C are met, I would not change my mind; but at this point, I'm inclined to deny request; 304.2A and B become moot and argument about need for variance under 307 becomes moot.

**SDL:** At hearing heard from three different people; first, Petitioner who contended he should not be deprived of use of property; house would be compatible in style and value; meets compatibility requirements. Protestants and residents argued that house was not compatible with existing homes; would overcrowd land and lower property values; People's Counsel, Peter Zimmerman, argued that case hinges on legal issue of whether it meets requirements of 304.1; contended that when Grills learned they could not meet square footage, decided to rearrange lot lines and add to property; took them out of compliance with 304.1; once added on in 1993, created new lots; no longer had lots existing prior to 1955; no longer met front foot requirements; intent of 304.1 was to prevent hardship in cases where property owner owned undersized lots prior to zoning regulations; was not case with this property which originally consisted of lots on Hilltop and Ingleside owned by Blackburn, lots that were purchased in entirety by Petitioner in 1993; house existed for many years on these lots; sold by Petitioner; had legitimate use of property; People's Counsel argues that 304.1 is to allow legitimate use of undersized property, not to split it up. This is unfortunate, but rights and concerns of neighbors must be taken into account; believes concerns about overcrowding and lowering of property values are legitimate; does not meet requirements of 304.1; created after 1955; would deny building application for undersized lot.

**ROS:** One point regarding intent of 304.1; does not believe intent was to preserve intent of property owners in 1955.

**SDL:** Meant prior to adoption of zoning regulations.

Deliberation /Warren Grill, et ux /CBA-94-163

ROS: This bill was enacted in 1992; again recognizing that there are lots out there that are buildable; not persuaded that anyone's value or overcrowding of land is being impacted here at all; meeting all setback requirements; all they are doing is turning house in direction which enables them to meet criteria; not crowding land. Not persuaded by argument. Indicated that belief is that intent of 304.1A is to enable those lots which are in existence prior to 1955 /already subdivided; not exceeding density; really looking at technical issue of whether or not should go to 307 or 304; had testimony from Petitioner that indicated were following directions of County employees; have no County employees testimony, but uncontradicted; fundamental fairness in being able to rely on advice of County officials; very clear case where Petitioner has been pushed into situation by virtue of desire to meet wishes and desires of County officials; will not be swayed; at this point, will have to dissent from majority, if, in fact, that is majority.

SDL: Intent is important; to allow reasonable use of property; in this case, Petitioner had reasonable use of property; had home built on it and sold home, and tried to get second home on it. Does not think compatibility issue is necessary after saying that; that issue becomes moot.

JHL: 304 was enacted in 1992; but had to do with compatibility review of lots which qualified and in order to qualify, has to be lot of record in 1955; so believe intent of law still goes back to 1955 time frame; was there a lot of record in 1955? If convinced that this lot was a lot of record prior to that date, might have different opinion on that subsection.

ROS: Believe it was a lot of record in 1955; all that Petitioner has done is to change ownership of portion of one lot versus another; property was owned by same person at one time; approved subdivision; had that owner decided not to make that a garden, could have built on it during that time.

SDL: Would have been grandfathered.

ROS: House would be there; intent of subdivision and reading of 304.1 /what type of density were they looking for; density has not changed; nothing has changed; not increasing density; meets density guidelines; existence of those other lots being that one person and being conveyed to oneself to meet square footage does not push them into 307; width of that lot has been there since 1955; constraining factor is the width.

JHL: What was of record in 1955; ROS is saying that width of lot has not changed; depth changed as a matter of record only, but

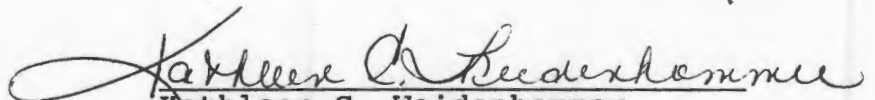
Deliberation /Warren Grill, et ux /CBA-94-163

in fact owner of lot did not change.

ROS: At what point does property owner rely upon officials when applying for building permit?

JHL: Has concern. In all fairness to everyone, Board must be decisive; decision is two to one in favor of denying the request under 304. Written Opinion and Order will be prepared and signed by the majority; dissenting opinion to be written by Mr. Schuetz. Any Petition for Judicial Review must be filed within 30 days from date of written Order and not from today's date.

Respectfully submitted,

  
Kathleen C. Weidenhammer  
Administrative Assistant



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

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(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

February 17, 1995

Mr. Judson H. Lipowitz, Panel Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Warren Grill, et ux., Petitioners
Case No. CBA-94-163

Dear Chairman Lipowitz:

In reply to Mr. McFarland's February 15 letter, I do not recall any inadvertent factual error as to the ownership of the Catonsville Gardens lots, or the location of the group of lots purchased by Mr. Harry Blackburn fronting, respectively, on Hilltop and Ingleside Avenues, but not on the corner.

Moreover, I believe the CBA's observations, particularly by Panel Member S. Diane Levero, as to the "self-imposed hardship" were made with a full understanding of the history, location, and ownership of the lots in question.

I have further reviewed the CBA minutes, and find no reference to any such inadvertent error as Mr. McFarland suggests.

The record is closed; and it is respectfully suggested that there is no ground for reconsideration. Should there be any reconsideration, another public hearing would be required. But, as noted, this seems neither necessary nor appropriate.

Very truly yours,

Peter Max Zimmerman (handwritten signature)

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/caf

cc: C. Victor McFarland, Esquire

Mr. Joseph Lotz, 5904 Hilltop Avenue, Baltimore, MD 21207

True Copy Test:
Judson H. Lipowitz
Chairman, County Board of Appeals

LAW OFFICES  
**McFARLAND & MASTERS**

1002 FREDERICK ROAD  
CATONSVILLE, MARYLAND 21228

C. VICTOR MCFARLAND  
KENNETH H. MASTERS  
BRIAN V. MCFARLAND

TELEPHONE  
(410) 788 - 2300  
744 - 0931  
788 - 0311  
FAX 744-3423

February 15, 1995

Judson H. Lipowitz, Esq., Panel Chairman  
County Board of Appeals  
400 Washington Avenue - Room 49  
Towson, MD 21204

Re: Warren Grill et ux., Petitioners  
Case No. CBA 94-163

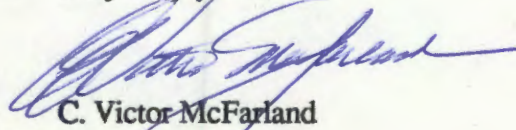
Dear Mr. Chairman:

At the proceedings this morning in the Board's deliberation in the subject matter, I believe that a factual matter was inadvertently stated. This led to an indication that the situation was a "self imposed hardship" because Mr. Blackburn could have added to the width of the lot by transferring part of Lots 53, 54, 55 and 56 of Catonsville Gardens, thereby widening the undersized lot to 55' or more. The record will show, and I believe Mr. Zimmerman will agree, that Harry Blackburn never owned title to Lots 50, 53, 54, 55 and 56. The only lots he owned adjacent to the lots in question were Lots 25 and 26 and from these lots added to the rear of the subject lots to make them 6,000 sq. ft.

I did not mention this at the hearing because the Board was giving its view of the case and a preliminary view of what its opinion might be when final.

However, a misunderstanding of a fact should, in my view, be brought to the Board's attention, particularly when it is such a key factor. I hope the Board agrees.

Very truly yours,



C. Victor McFarland

CVMcF:j

cc: Robert O. Schuetz, Member, Board of Appeals  
S. Diane Levelo, Member, Board of Appeals  
Peter Max Zimmerman, Esq., People's Counsel  
Mr. and Mrs. Warren Grill

True Copy Test:  
*Robert O. Schuetz*  
Chairman, County Board of Appeals

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Baltimore County Government  
Office of Zoning Administration  
and Development Management

TRUE COPY TEST:

*Arnold Jablon 06/15/94*  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

September 2, 1994

C. Victor McFarland, Esquire  
1002 Frederick Road  
Catonsville, MD 21228

RE: UNDERSIZED LOT  
W/S Hilltop Avenue, 125' W of Ingleside Avenue  
(5902 Hilltop Avenue )  
1st Election District  
1st Councilmanic District  
Carole and Warren Grill-Applicants  
Permit No. B184576NR

Dear Mr. McFarland:

Please be advised that an appeal of the above-referenced case was filed in this office on August 25, 1994 by Joseph L. Lotz and residents of Catonsville Gardens. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

*Arnold Jablon*

ARNOLD JABLON  
Director

AJ:jaw

cc: Mr. and Mrs. Warren Grill  
Mr. James Hannon  
Mr. Robert Wiggins  
Ms. Margaret McCance  
People's Counsel



BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 150602

DATE 9/2/94 ACCOUNT R-001-6150

AMOUNT \$ 75.00

RECEIVED FROM: Joseph L. and Carmelina Lotz

FOR: Undersized lot appeal  
5902 Hilltop Avenue - B184576NR

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER



8/26/94

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AUG 26 1994

ZADM

HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401-1991

THOMAS E. DEWBERRY  
12TH LEGISLATIVE DISTRICT  
BALTIMORE COUNTY

HOME ADDRESS:

1917 TADCASTER ROAD  
CATONSVILLE, MARYLAND 21228-5555  
(410) 744-2382

COMMITTEE:

APPROPRIATIONS  
SUBCOMMITTEE ON EDUCATION  
AND HUMAN RESOURCES

August 25, 1994

LEGISLATIVE OFFICE:

1 NEWBURG AVENUE  
CATONSVILLE, MARYLAND 21228-5108  
(410) 747-0407

CHAIRMAN:

SPECIAL OVERSIGHT SUBCOMMITTEE  
ON PERSONNEL

ANNAPOLIS OFFICE:

304 LOWE HOUSE OFFICE BUILDING  
ANNAPOLIS, MARYLAND 21401-1991  
(TOLL FREE) (410) 841-3378

Mr. Arnold Jablon, Director  
Zoning Admin. & Development Management Office  
111 W. Chesapeake Avenue  
M.S. 1105  
Towson, Maryland 21204

RE: Undersized Lot, 5902 Hilltop Avenue, 21207  
W/S Hilltop Avenue, 125' W of Ingleside Avenue  
1st Election District - 1st Councilmanic District

Dear Mr. Jablon:

I have been contacted by the residents of Hilltop Avenue in Catonsville Gardens requesting that I support their appeal of the decision of the Zoning Commissioner with regard to this structure on the basis that it is incompatible with the existing properties in the area.

I would hope that you would give this matter your full attention and support the position of the residents in the area.

Very truly yours,

Thomas E. Dewberry  
Delegate  
12th Legislative District

TED/jcs  
cc: Mr. Joseph L. Lotz  
Mr. James Hannon

HK

County Board of Appeals  
111 W. Chesapeake Avenue—Room 109  
Towson, MD 21204

RECEIVED  
AUG 25 1994

August 5, 1994

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PAYMENT  
8/29/94 JEX  
ZONING OFFICE

ZADM

Dear Mr. Jablon,

This letter is an official request for an appeal against the approval of a structure to be built on the property known as 5902 Hilltop Avenue, Baltimore, MD 21207.

The undersigned residents of Catonsville Gardens are appealing this decision based on the type of this structure.

We, as neighbors, protest the compatibility to existing property owners, especially around the adjacent properties.

James J. Hannon  
5923 Hilltop Ave. 21207

Margaret C. Zelle R.N.  
5900 Hilltop Ave 21207

J. Sambo  
5916 Hilltop Ave 21207

Brian Scarfo  
5918 Hilltop Ave 21207

Marcella Cummings  
5925 Hilltop Ave 21207

Gene E. Roe  
5927 Hilltop Ave. 21207

Anthony A. Palumbo  
1520 Parkchester Ave 21207

Joseph J. DiGuidice  
5926 Hilltop Ave. 21207

John J. Kovitz Sr.  
5922 Hilltop Ave - 21207

Warren D. Fisher  
5912 Hilltop Ave 21207

Sadi Liberto  
Charles C. Hartsock

John C. Snufflee

Thank You

Joseph L. Lotz

Joseph L. Lotz  
5904 Hilltop Avenue  
Baltimore, MD 21207  
(410) 744-9192

Matthew T. Palmerino  
Margaret McBeau  
5914 Hilltop Ave. 21207

Carole Ann Brown  
5908 Hilltop Ave  
21207

Steve Long  
5903 Hilltop Ave

Howard C. Burke

1518 1/2 Ingherside Av.  
Catonsville MD 21207

Robert Wiggins

1524 Ingherside Ave  
5906 Hilltop Ave

CASE B184576  
H306-94 HIC

ENCLOSED IS  
A CHECK FOR  
\$75.00.

THIS MATTER  
IS IN REGARD  
TO AN APPEAL  
OF A STRUCTURE  
ON 5909 HILLTOP  
AVENUE. Thanks

8/24/94  
JOSEPH L. COZZ  
5904 HILLTOP AVE  
BALTO MD  
21207

TN RE: HEARING ON UNDERSIZED LOT \* BEFORE THE  
W/S Hilltop Avenue, 125' W of \* ZONING COMMISSIONER  
Ingleside Avenue \* OF BALTIMORE COUNTY  
(5902 Hilltop Avenue)  
1st Election District \*  
1st Councilmanic District \*  
  
Warren and Carole Grill \*  
Applicants \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner pursuant to a request for a public hearing to determine the appropriateness of a building permit application for the proposed development of the subject undersized lot, known as 5902 Hilltop Avenue, located in the Catonsville area of southwestern Baltimore County. The request for public hearing was filed by numerous residents of the Catonsville Gardens community by letter received in the Office of Planning and Zoning on January 12, 1994. Subsequent to the receipt of said letter, the property was posted and a public hearing scheduled before me on February 24, 1994. The property is owned by Warren and Carole Grill who seek to develop the site with a single family dwelling.

Appearing at the public hearing on behalf of the application were the property owners, Warren and Carole Grill, and their attorney, C. Victor McFarland, Esquire. Appearing in opposition were Joseph Lotz, an adjacent property owner, James Hannon on behalf of the Catonsville Gardens community, and James Scrofo.

As noted above, this matter comes before the Zoning Commissioner pursuant to Section 304.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). Unlike the vast majority of cases which are heard before this Office, the matter is not before me as a Petition for Special Hearing,

ORDER RECEIVED FOR FILING

209/1/94  
*[Signature]*

Special Exception or Variance. Thus, none of the requirements and standards which regulate those zoning Petitions as found within the B.C.Z.R. are applicable. Quite frankly, I have held this case without opinion for a longer period of time than usual so as to consider the issues presented. Moreover, I have visited the property and driven throughout the neighborhood to examine the nature of existing development in this locale.

At the public hearing, Mr. Grill testified and described his plans. He described the subject site, which is a combination of two lots known as Lots 51 and 52 of the Catonsville Gardens subdivision. Mr. Grill noted that he is a contractor by occupation and proposes to construct a dwelling on the site similar to that depicted in Petitioner's Exhibit 4. The subject house will be 42 feet deep and 19 feet wide and will be sold for approximately \$100,000, which in Mr. Grill's opinion, is within the average price range of homes sold in this neighborhood. Mr. Grill indicated that the homes in this neighborhood usually sell from between \$85,000 to \$125,000. Mr. Grill believes the proposed dwelling will be in keeping with other homes in the community. He stated that other houses in this subdivision are similar in architectural style and design. He opined that there will be no adverse effect upon the neighborhood.

A number of the neighbors testified in opposition to the proposed development. These included Mr. Lotz who resides immediately next door. Mr. Lotz believes that the proposed dwelling will not be compatible and fears that water runoff from the site might adversely affect his property. He also believes that a price range of \$100,000 for the proposed dwelling will be too high and that the house will not be marketable at that price in this community.

Similar testimony was offered by Robert Wiggins who resides at

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1524 Ingleside Avenue. He also believes that the proposed dwelling will be too close to surrounding residences. Margaret McCance, another property owner in the community also testified. She believes that the house will be smaller than other houses in the area and out of character.

In addition to this testimony, written comments were received from the Office of Planning and Zoning and a number of exhibits were offered by the Litigants. I have reviewed these exhibits carefully and, as noted above, have driven through the neighborhood and examined the housing types in this area. As to the Office of Planning and Zoning, they originally submitted inter-office correspondence dated December 29, 1993 in which they argued that the proposed dwelling is incompatible with the surrounding community and a permit for same should be denied. Thereafter, the applicants revised their plans and resubmitted same to the Office of Planning and Zoning. By comment dated January 12, 1994, Francis Morsey of that Office recommended approval, indicating that the proposed dwelling depicted on the revised plans will be "more compatible with the adjacent homes."

It need again be emphasized that this case is governed by Section 304.4 of the B.C.Z.R. Unlike a Petition for Variance which is governed by Section 307 of the B.C.Z.R., the property owner need not show that a practical difficulty would result if the relief requested was denied. Moreover, Section 307 contains other standards which are not relevant here, i.e., whether the proposed improvements will be detrimental to the surrounding locale and whether the proposed use is consistent with the spirit and intent of the regulations. Furthermore, this is not a Petition for Special Hearing or Special Exception. Those Petitions are guided by Section 502.1 of the B.C.Z.R. wherein it is provided that a special exception or special hearing can be approved only if the relief requested would not

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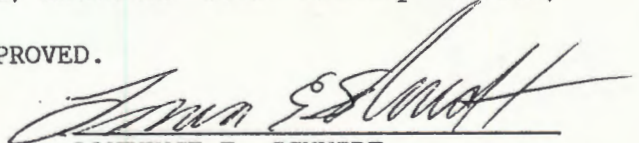
By

be detrimental to the health, safety or general welfare of the community. A number of specific standards relating to traffic, public utilities, etc., are listed within Section 502.1 of the B.C.Z.R.

The language within Section 304.4 of the B.C.Z.R. is much more specific. Therein, it is indicated that "At the public hearing, the Zoning Commissioner shall make a determination whether the proposed dwelling is appropriate". Moreover, as noted above, there are few cases which come before me pursuant to this Section. I am unaware of any occasion where the Circuit Court or Appellate Courts of this case have construed this language. Under the circumstances, I feel compelled to adjudge the merits of this case strictly based upon the language presented. In answer to the question "Is the proposed dwelling appropriate?", I must answer in the affirmative. The architectural style and design appear to be compatible with other homes in the surrounding community. This is not to say that I do not share some of the Protestants' concerns; however, there was no persuasive evidence to buttress their opinions. In the context of the narrow confines of Section 304.4 of the B.C.Z.R., I feel compelled to approve the proposed dwelling and will so Order.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner this 29th day of July, 1994 that the building permit application for the proposed development of the subject undersized lot, known as 5902 Hilltop Avenue, is appropriate and the same is hereby APPROVED.



LAWRENCE E. SCHMIDT  
Zoning commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING

Date

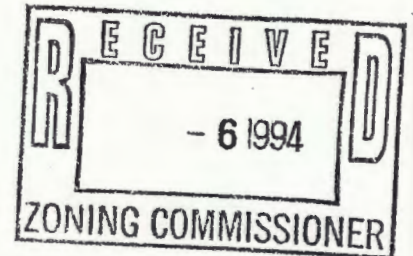
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JUNE 30, 1994

ZONING COMMISSIONER  
ATTN: MR. LAWRENCE SCHMIDT  
OLD COURT HOUSE BLDG. RM. 112  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204-2112



DEAR MR. SCHMIDT,

I AM WRITING THIS LETTER TO KEEP YOU INFORMED OF OUR SITUATION CONCERNING CASE #B184576 AT 5902 HILLTOP AVENUE, BALTIMORE, MD 21207. THE FOLLOWING CONDITIONS EXIST.

1. ALMOST ONE YEAR AGO ON AUGUST 6, 1993 MY UNCLE, HARRY BLACKBURN, STARTED THIS PROCESS WITH THE ENCLOSED LETTER TO ARNOLD JABLON IN ORDER TO GENERATE MONEY FOR NURSING CARE.
2. HE HAS BEEN RESIDING WITH MY HUSBAND AND ME DURING THIS TIME. WE DON'T KNOW HOW TO PLAN FOR HIS FUTURE CARE, SINCE WE DON'T KNOW WHETHER 5902 HILLTOP AVENUE WILL BE APPROVED AS A BUILDING LOT WITH THE PROPOSED HOUSE.
3. MY HUSBAND AND I WENT TO THE EXPENSE OF APPLYING FOR A HOME EQUITY LOAN TO USE FOR BUILDING THE PROPOSED HOUSE AT 5902 HILLTOP AVENUE. WE WERE HOPING TO START THIS PAST SPRING, SINCE OUR LOW INTEREST RATE WE RECEIVED LAST YEAR WILL BE UP AUGUST 1994.
4. WE PAID \$246.00 FOR NEW BUILDING PLANS SO WE COULD HAVE THEM AT THE HEARING ON FEBRUARY 24, 1994 TO ACCOMMODATE THE PEOPLE OPPOSED TO OUR ORIGINAL BUILDING PLANS. HOWEVER, THE FEE FOR THE BUILDING PLANS IS NOT REFUNDABLE.
5. MY UNCLE AND I WENT THROUGH EVERY PROCEDURE ASKED OF US BY MAKING NUMEROUS VISITS TO THE COUNTY, PAYING VARIOUS FEES FOR A NEW SURVEY, HAVING 2 DEEDS WRITTEN AND RECORDED, PAYING UNDERSIZE LOT FEES, AND A BUILDING PERMIT FEE WHICH IS ABOUT TO EXPIRE THIS YEAR.
6. WE ARE NOW IN OUR 2ND LEVEL OF APPEALING THE PROPERTY TAX ASSESSMENT, SINCE WE BELIEVE IT IS NOW ASSESSED AS IF IT IS A BUILDING LOT.

IF THERE IS ANY WAY YOU COULD GIVE THIS CASE YOUR IMMEDIATE ATTENTION, WE WOULD APPRECIATE YOUR EFFORTS. ALSO, IF WE CAN BE OF ANY HELP IN ANSWERING ANY QUESTIONS YOU MIGHT HAVE, PLEASE CALL US AT 795-2598 OR 549-1111. THANK-YOU.

SINCERELY YOURS,

*Carole Grill*      *Harry Blackburn*  
CAROLE GRILL                      HARRY BLACKBURN  
6220 ROLLING VIEW DRIVE  
SYKESVILLE, MARYLAND 21784

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

CAROLE GRILL

6220 ROLLING VIEW DR. 21784

HARRY BURKE

6220 ROLLING VIEW DR. 21784

WARREN GRILL

6220 ROLLING VIEW DR. 21784

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2-24-94

THE HOMEOWNERS ARE STILL CONCERNED ABOUT WHAT EFFECT DOES THIS SIZE STRUCTURE DO TO OUR PROPERTY VALUES? WE ARE ALSO CONCERNED ABOUT THE OTHER CONCERNS ADDRESSED IN THE LETTER TO THE COMMISSION BACK IN JANUARY. THE STRUCTURE THAT APPEARS TO US AS A NON-CONFORMING LOT SIZE,

WE ARE ASKING AND REQUESTING THAT THIS COMMISSION (BEING PROFESSIONALS AS YOU ARE IN THIS FIELD) TURN DOWN THIS REZONING OF THIS PROPERTY.

I'M PRESENTING TO THIS HEARING, A SET OF PHOTO'S TAKEN OF THE ADJOINING 4 NEIGHBORHOOD BOARDING STREETS OF THE TYPE OF EXISTING HOME STRUCTURES.

ALSO, AS RESIDENTS OF CATONSVILLE GARDENS, WILL THE BUILDING OF THIS STRUCTURE ON THIS NON-CONFORMING LOT BE HELD AS AN EXAMPLE TO OTHER PROPERTY OWNERS OF THIS COMMUNITY JUST FOR THE MONETARY VALUE AND NOT CARING FOR THE ESTABLISHED RESIDENTS.

WE ALSO ASK WHY WAS THE STRUCTURE DESIGN CHANGED AFTER AN OFFICAL PROTEST LODGED?

IN CLOSING, ON BEHALF OF THE UNDERSIGNED LETTER OF THE RESIDENTS WE WOULD LIKE TO THANK THE COMMISSION FOR THE OPPORTUNITY TO EXPRESS OUR THOUGHTS AT THIS HEARING

Thank You  
John

# REAL ESTATE SERVICES PROPOSAL

PREPARED ESPECIALLY FOR ...

M/M WARREN GRILL  
1528 INGLESIDE AVENUE  
BALTIMORE, MD 21207

RUSS BLACKBURN  
O'Connor, Piper & Flynn  
1631 N. Main Street  
Hampstead, Maryland 21074

Office Phone: 410-239-8110  
Home Phone: 876-4499  
Fax Number: 239-4551

February 14, 1994

February 14, 1994

M/M WARREN GRILL  
1528 INGLESIDE AVENUE  
BALTIMORE, MD 21207

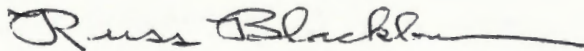
Dear WARREN AND CAROLE:

Thank you very much for giving me the opportunity to present the enclosed proposal to market your home. I appreciate the time you spent with me reviewing the features of your home and outlining your financial goals and time considerations.

You will receive competent and professional service when you select me and O'Connor, Piper & Flynn to represent you. We have represented many families in this area concluding transactions that realize maximum value in a reasonable time. I hope you will select me as your agent in this very important transaction.

This proposal includes a comprehensive market analysis that will assist us in determining the market value and pricing of your home. Information on me and O'Connor, Piper & Flynn is included that will confirm I am best qualified to market your home.

Very truly yours,

A handwritten signature in cursive script that reads "Russ Blackburn". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

RUSS BLACKBURN

## Why Choose O'Connor, Piper & Flynn...

- We are a leader in listing and selling homes in your market area.
- We have more top producers than any other company in the area.
- Our comprehensive print, TV, direct mail advertising program.
- Membership in international relocation network.
- Satisfied past customers provide a source of potential buyers.
- All of our agents receive extensive on-going training.
- Efficient, computerized accounting and property information systems.
- Computer resource department for agent training in the use of personal computers.
- A corporate commitment to excellence in all areas of the real estate business.

## DETERMINING THE VALUE OF YOUR HOME

A comprehensive market analysis is essential to determine the value of residential property. Location and characteristics of the property are the key elements in determining value, therefore the basis for valuation is similar properties in your area. The market analysis takes into account the amount received from recent sales of comparable properties and the quantity and quality of comparable properties currently on the market. The desired end result of course is to find a price that will attract a willing and able buyer in a reasonable time.

Once the value of your home has been determined, you can decide on an offering price that will achieve your goals. Generally, the price should not exceed the value by more than 5% or potential buyers may not even make offers. Naturally, if you want to sell quickly your asking price should be very near the value.

The following are a few things to keep in mind about pricing:

- Realistic pricing will achieve maximum price in a reasonable time.
- Your cost or profit desire is irrelevant; the market determines the price.
- The cost of improvements are almost always more than the added value.
- Houses that remain on the market for a long time do not get shown.
- A house that is priced right from the beginning achieves highest proceeds.



## Comparative Market Analysis Summary

### Currently On The Market...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	LIST PRICE
5942 Sunset Ave.	Catonsvi	2	1/1	Rancher		\$95,000
5937 Sunset Avenue	Catons M	3	1/0	Rancher		\$109,000
5916 Hilltop Ave	Catonsvi	4	1/0	Cape Cod		\$110,000
1420A Ingleside Ave	Caton Ma	4	2/0	Split Fo		\$114,999
5927 Hilltop Avenue	Caton Ga	4	3/0	Rancher		\$119,900
5955 Hilltop 4%	Catonsvi	3	3/0	Rancher		\$127,500
5949 Sunset Ave	Catonsvi	5	2/1	Bi-Level		\$127,500
5905 Franklin Ave	West Hil	4	3/0	Split Fo		\$127,900
5949A Sunset Ave 4%	Catonsvi	3	2/0	Split Fo		\$129,900
1401 Ingleside Ave	Edmondso	4	2/0	Cape Cod		\$89,999
1413 Ingleside Ave	Catonsvi	3	1/0	Split Le		\$92,000
AVERAGE OF 11 PROPERTIES is \$113,063						

### Recently Sold...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	SOLD PRICE
1126 Ingleside Ave	Caton Ma	3	1/0	Cape Cod		\$78,000
1211 Ingleside Ave	Catonsvi	3	1/1	Rancher		\$89,900
1405 Ingleside Ave	Edmondso	3	1/0	Split Le		\$86,000
1427 Ingleside Ave	Edmondso	4	1/0	Split Le		\$87,000
5919 Franklin Ave	Catonsvi	3	2/0	Rancher		\$90,000
5915 Sunset Ave	Catonsvi	4	2/0	Split Fo		\$115,000
1400 Ingleside Ave	Catonsvi	3	2/0	Cape Cod		\$75,000
AVERAGE OF 7 PROPERTIES is \$88,700						

### Did Not Sell...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	LIST PRICE
5934 Hilltop Ave \$\$\$	Catonsvi	4	3/0	Rancher		\$114,999
AVERAGE OF 1 PROPERTIES is \$114,999						

## Comparative Market Analysis

This report utilizes the market data approach to determine value. The following properties are comparable and in close proximity to your property:

Comparable #1 5942 SUNSET AVE.  
 Comparable #2 5937 SUNSET AVENUE  
 Comparable #3 5916 HILLTOP AVE  
 Comparable #4 1420A INGLESIDE AVE  
 Comparable #5 5927 HILLTOP AVENUE  
 Comparable #6 5955 HILLTOP 4%

DESCRIPTION	CCMP #1	CCMP #2	CCMP #3	CCMP #4	CCMP #5	CCMP #6
STATUS	A	A	A	A	A	A
LIST PRICE	\$95,000	\$109,000	\$110,000	\$114,999	\$119,900	\$127,500
SOLD PRICE						
CONTRACT SETTLED						
DCM AREA	Catonsvi	Catons M	Catonsvi	Caton Ma	Caton Ga	Catonsvi
LEVEL						
STYLE	Detached	Detached	Detached	Detached	Detached	Detached
DESIGN	Rancher	Rancher	Cape Cod	Split Foye	Rancher	Rancher
AGE	34	37	34	4	34	New
BDS	2	3	4	4	4	3
BTHS	1/1	1/0	1/0	2/0	3/0	3/0
ACRES	0.00	0.22	0.00	0.15	0.00	0.17
SITE	Inside Lot	Inside Lot	Inside Lot	Inside Lot	Inside Lot	Inside Lot
EXTERIOR	Brick Home	Brick Home	Alum Sidin	Vinyl Sidi	Brick Home	Brick Home
SPECIAL						
BASEMENT	Full, Part	Full, Impro	Full, Impro	Full, Impro	Full, Impro	Full, Part
FUEL	Elec	Elec	Elec	Elec	Gas	Elec
HEAT	Fha	Hwbb	Fha	Fha	Fha	Fha
COOL		Window A/C	Ceiling Fa	Central A/	Window A/C	Central A/
FIREPLACE		1 Fireplac	Space Heat			
INTERIOR	Wood Floor	Wood Floor	Wood Floor	No Wax Kit	Wood Floor	No Wax Kit
EXTERIOR	Patio	Porch	Patio	Ext Lighti	Patio	Deck
PARKING	1-Car Carp	Driveway		Off-St Par	Garage 1 A	Driveway
WATER						

## Comparative Market Analysis

This report utilizes the market data approach to determine value. The following properties are comparable and in close proximity to your property:

Comparable #1 5949 SUNSET AVE  
 Comparable #2 5905 FRANKLIN AVE  
 Comparable #3 5949A SUNSET AVE 4%  
 Comparable #4 1401 INGLESIDE AVE  
 Comparable #5 1413 INGLESIDE AVE  
 Comparable #6 1126 INGLESIDE AVE

DESCRIPTION	CCMP #1	CCMP #2	CCMP #3	CCMP #4	CCMP #5	CCMP #6
STATUS	A	A	A	A	A	S
LIST PRICE	\$127,500	\$127,900	\$129,900	\$89,999	\$92,000	\$84,921
SOLD PRICE						\$78,000
CONTRACT SETTLED						05/26/93
DCM						10/21/93
AREA	Catonsvi	West Hil	Catonsvi	Edmondso	Catonsvi	82
LEVEL						Caton Ma
STYLE	Detached	Detached	Detached	Detached	Detached	Detached
DESIGN	Bi-Level	Split Foye	Split Foye	Cape Cod	Split Leve	Cape Cod
AGE	11	Unk	New	27	30	Unk
BDS	5	4	3	4	3	3
BTHS	2/1	3/0	2/0	2/0	1/0	1/0
ACRES	0.17	0.00	0.17	0.00	0.15	0.00
SITE	Inside Lot	Inside Lot	Inside Lot	Corner Lot	Inside Lot	Corner Lot
EXTERIOR	Brick Home	Vinyl Sidi	Brick Home	Brick Home	Vinyl Sidi	Asbestos S
SPECIAL						
BASEMENT	Full, Impro	Full, Impro	Full, Impro	Full, Part	Half, Impro	Full, Unim
FUEL	Elec	Elec	Elec	Elec	Gas	Gas
HEAT	Fha	Fha	Fha	Fha	Fha	Hwbb
COOL	Central A/	Central A/	Central A/	Central A/	Central A/	Ceiling Fa
FIREPLACE	1 Fireplac					
INTERIOR	W/W-Subflo	Ex Ww Carp	No Wax Kit	Wood Floor	Wood Floor	Ex Ww Carp
EXTERIOR	Patio		Deck	Porch	Deck	Deck
PARKING	Driveway	Driveway	Garage 2+D	Slick Pad	Off-St Par	Driveway
WATER						

## Comparative Market Analysis

This report utilizes the market data approach to determine value. The following properties are comparable and in close proximity to your property:

Comparable #1 1211 INGLESIDE AVE  
 Comparable #2 1405 INGLESIDE AVE  
 Comparable #3 1427 INGLESIDE AVE  
 Comparable #4 5919 FRANKLIN AVE  
 Comparable #5 5915 SUNSET AVE  
 Comparable #6 1400 INGLESIDE AVE

DESCRIPTION	CCMP #1	CCMP #2	CCMP #3	CCMP #4	CCMP #5	CCMP #6
STATUS	S	S	S	S	S	S
LIST PRICE	\$89,900	\$87,500	\$87,504	\$94,900	\$119,900	\$76,000
SOLD PRICE	\$89,900	\$86,000	\$87,000	\$90,000	\$115,000	\$75,000
CONTRACT	08/06/93	08/07/93	07/18/93	08/02/93	09/17/93	07/22/93
SETTLED	09/29/93	10/12/93	10/15/93	08/30/93	10/29/93	08/19/93
DOM	119	73	157	0	10	236
AREA	Catonsvi	Edmondso	Edmondso	Catonsvi	Catonsvi	Catonsvi
LEVEL						
STYLE	Detached	Detached	Detached	Detached	Detached	Detached
DESIGN	Rancher	Split Leve	Split Leve	Rancher	Split Foye	Cape Cod
AGE	26	32	Unk	Unk	5	62
BDS	3	3	4	3	4	3
BTHS	1/1	1/0	1/0	2/0	2/0	2/0
ACRES	0.19	0.00	0.00	0.00	0.22	0.17
SITE	Inside Lot	Inside Lot	Inside Lot	Inside Lot	Inside Lot	Corner Lot
EXTERIOR	Brick Home	Asbestos S	Alum Sidin	Brick Home	Alum Sidin	Frame Home
SPECIAL						
BASEMENT	Full, Impro	Crawl Spac	Full, Impro	Full, Impro	Full, Impro	Full, Unim
FUEL	Elec	Gas	Gas	Gas	Elec	Gas
HEAT	Fha	Fha	Fha	Fha	Fha	Fha
COOL	Central A/	Central A/	Central A/	Central A/	Central A/	Window A/C
FIREPLACE						
INTERIOR	Wood Floor	Wood Floor	Wood Floor		Some Drape	Wood Floor
EXTERIOR	Deck	Porch	Deck		Deck	Porch
PARKING	Slick Pad	Off-St Par	Slick Pad			Garage 1 D
WATER						

## Comparative Market Analysis

This report utilizes the market data approach to determine value. The following properties are comparable and in close proximity to your property:

Comparable #1 5934 HILLTOP AVE \$\$\$

DESCRIPTION	CCMP #1	CCMP #2	CCMP #3	CCMP #4	CCMP #5	CCMP #6
STATUS	X					
LIST PRICE	\$114,999					
SOLD PRICE						
CONTRACT						
SETTLED						
DCM						
AREA	Catonsvi					
LEVEL						
STYLE	Detached					
DESIGN	Rancher					
AGE	12					
BDS	4					
BTHS	3/0					
ACRES	0.18					
SITE	Inside Lot					
EXTERIOR	Brick Home					
SPECIAL						
BASEMENT	Full, Impro					
FUEL	Elec					
HEAT	Hwbb					
COOL	Central A/					
FIREPLACE	2+ Firepla					
INTERIOR	No Wax Kit					
EXTERIOR	Patio					
PARKING	Garage 1 A					
WATER						

## Comparative Market Analysis

### Currently On The Market...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	LIST PRICE
5942 Sunset Ave.	Catonsvi	2	1/1	Rancher		\$95,000

Age: 34 Features: Detached, Brick Home, Asph Sh Roof, Full, Part Improved, Elec, Gas, Fha, Ex Storm Wnw, Ex Storm Drs, Elec Range, Wall Oven, Refrigerator, Washer, Gas Dryer, Wood Floors, No Wax Kitch, Brick Home, Ext Lighting, 1-Car Carprt, Off-St Park, Inside Lot, Public Water, Public Sewer, Public Gas, Catonsvi

5937 Sunset Avenue	Catons M	3	1/0	Rancher		\$109,000
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Age: 37 Features: Detached, Brick Home, Asph Sh Roof, Full, Improvd, Elec, Oil, Hwbb, Window A/C, 1 Fireplace, Ex Storm Wnw, Ex Storm Drs, Elec Range, Refrigerator, Washer, Wood Floors, No Wax Kitch, Ex Ww Carpet, Ex Curtn Rod, Ex Shades, Ex Int Shtr, Brick Home, Storage Shed, Driveway, Off-St Park, Inside Lot, Public Water, Public Sewer, Cable Tv, Fan On Range, Catons M

5916 Hilltop Ave	Catonsvi	4	1/0	Cape Cod		\$110,000
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Age: 34 Features: Detached, Alum Siding, Asph Sh Roof, Full, Improvd, Elec, Gas, Fha, Ceiling Fans, Attic Fans, Space Heater, Ex Storm Wnw, Ex Storm Drs, Attic Insul, Gas Range, Elec Range, Microwave, Refrigerator, Washer, Gas Dryer, Wood Floors, Parquet Fls, No Wax Kitch, Ex Ww Carpet, Ex Shades, Ex Int Shtr, Alum Siding, Inside Lot, Fenced Yard, Level Lot, Public Water, Public Sewer, Public Gas, Humidifier, Catonsvi

1420A Ingleside Ave	Caton Ma	4	2/0	Split Fo		\$114,999
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Age: 4 Fuel Cost: \$100 Features: Detached, Vinyl Siding, Brick Veneer, Asph Sh Roof, Full, Improvd, Elec, Fha, Heat Pump, Central A/C, Ex Dl Glz Wn, Ex Storm Drs, Elec Range, Microwave, Refrigerator, Washer, Dishwasher, No Wax Kitch, Ex Ww Carpet, Ex Curtn Rod, Ex Blinds, Some Drapes, Vinyl Siding, Brick Veneer, Off-St Park, Inside Lot, Level Lot, Public Water, Public Sewer, Cable Tv, Fan On Range, Caton Ma

Currently On The Market...

<u>ADDRESS</u>	<u>NEIGHBORHOOD</u>	<u>BDS</u>	<u>BTHS</u>	<u>STYLE</u>	<u>LEVEL</u>	<u>LIST PRICE</u>
5927 Hilltop Avenue	Caton Ga	4	3/0	Rancher		\$119,900

Age: 34 Fuel Cost: \$1,440 Features: Detached, Brick Home, Asph Sh Roof, Full, Improvd, Gas, Wood, Fha, Window A/C, Ceiling Fans, Ex Storm Wnw, Ex Storm Drs, Gas Range, Wall Oven, Microwave, Refrigerator, Washer, Wood Floors, Ex Ww Carpet, Ex Curtn Rod, Brick Home, Ingrnd Pool, Storage Shed, Garage 1 Att, Slick Pad, Inside Lot, Fenced Yard, Landscaped, Public Water, Public Sewer, Public Gas, Caton Ga

5955 Hilltop 4%	Catonsvi	3	3/0	Rancher		\$127,500
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Age: New Features: Detached, Brick Home, Vinyl Siding, Asph Sh Roof, Full, Part Improved, Elec, Wood, Fha, Heat Pump, Central A/C, Wdw Screens, Ex Dl Glz Wn, Elec Range, Washer, Dishwasher, Disposal, No Wax Kitch, W/W-Subfloor, Ex Lgt Fxtrs, Brick Home, Vinyl Siding, Driveway, Inside Lot, Level Lot, Public Water, Public Sewer, Cable Tv, Fan On Range, Catonsvi

5949 Sunset Ave	Catonsvi	5	2/1	Bi-Level		\$127,500
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Age: 11 Features: Detached, Brick Home, Vinyl Siding, Asph Sh Roof, Full, Improvd, Elec, Fha, Heat Pump, Central A/C, 1 Fireplace, Firepl/Insrt, Ex Storm Wnw, Ex Dl Glz Wn, Elec Range, Refrigerator, Washer, Dishwasher, W/W-Subfloor, Ex Curtn Rod, Some Drapes, Brick Home, Vinyl Siding, Porch, Ext Lighting, Driveway, Off-St Park, Inside Lot, Fenced Yard, Part Fenced, Public Water, Public Sewer, Cable Tv, Fan On Range, Catonsvi

5905 Franklin Ave	West Hil	4	3/0	Split Fo		\$127,900
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Age: Unk Features: Detached, Vinyl Siding, Asph Sh Roof, Full, Improvd, Elec, Fha, Central A/C, Ex Dl Glz Wn, Ex D Glz Drs, Elec Range, Washer, Dishwasher, Ex Ww Carpet, Ex Lgt Fxtrs, Vinyl Siding, Driveway, Off-St Park, Inside Lot, Fenced Yard, Level Lot, Public Water, Public Sewer, Cable Tv, Fan On Range, West Hil

5949A Sunset Ave 4%	Catonsvi	3	2/0	Split Fo		\$129,900
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Age: New Features: Detached, Brick Home, Vinyl Siding, Asph Sh Roof, Full, Improvd, Elec, Wood, Fha, Heat Pump, Central A/C, Wdw Screens, Ex Dl Glz Wn, Ex D Glz Drs, Elec Range, Washer, Dishwasher, No Wax Kitch, W/W-Subfloor, Brick Home, Vinyl Siding, Garage 2+Det, Driveway, Inside Lot, Level Lot, Public Water, Public Sewer, Cable Tv, Fan On Range, Catonsvi

Currently On The Market...

<u>ADDRESS</u>	<u>NEIGHBORHOOD</u>	<u>BDS</u>	<u>BTHS</u>	<u>STYLE</u>	<u>LEVEL</u>	<u>LIST PRICE</u>
1401 Ingleside Ave	Edmondso	4	2/0	Cape Cod		\$89,999

Age: 27 Fuel Cost: \$132 Features: Detached, Brick Home, Alum Siding, Asph Sh Roof, Full, Part Improved, Elec, Gas, Fha, Central A/C, Ceiling Fans, Attic Insul, Ex Wall Insl, Gas Range, Microwave, Washer, Elect Dryer, Wood Floors, No Wax Kitch, Ex Ww Carpet, Ex Curtn Rod, Ex Shades, Ex Blinds, Brick Home, Alum Siding, Slick Pad, Corner Lot, Fenced Yard, Part Fenced, Public Water, Public Sewer, Public Gas, Edmondso

1413 Ingleside Ave	Catonsvi	3	1/0	Split Le		\$92,000
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Age: 30 Features: Detached, Vinyl Siding, Asph Sh Roof, Half, Improvd, Gas, Wood, Fha, Central A/C, Ex Storm Wnw, Ex Dl Glz Wn, Ex Storm Drs, Gas Range, Refrigerator, Washer, Wood Floors, No Wax Kitch, Ex Ww Carpet, Ex Curtn Rod, Ex Shades, Ex Blinds, Vinyl Siding, Off-St Park, Inside Lot, Public Water, Public Sewer, Public Gas, Catonsvi

AVERAGE OF 11 PROPERTIES is \$113,063

Recently Sold...

<u>ADDRESS</u>	<u>NEIGHBORHOOD</u>	<u>BDS</u>	<u>BTHS</u>	<u>STYLE</u>	<u>LEVEL</u>	<u>SOLD PRICE</u>
1126 Ingleside Ave	Caton Ma	3	1/0	Cape Cod		\$78,000

Days on Market: 82 Date Sold: 05/26/93 Date Settled: 10/21/93 Age: Unk Features: Detached, Asbestos Shg, Al/Vnyl Trim, Asph Sh Roof, Full, Unimproved, Gas, Oil, Hwbb, Ceiling Fans, Ex Rplc Wnws, Ex Storm Drs, Gas Range, Microwave, Refrigerator, Washer, Ex Ww Carpet, W/W-Subfloor, Ex Curtn Rod, Ex Blinds, Ex Lgt Fxtrs, Asbestos Shg, Al/Vnyl Trim, Storage Shed, Ext Lighting, Driveway, Off-St Park, Corner Lot, Fenced Yard, Level Lot, Public Water, Public Sewer, Public Gas, Caton Ma

1211 Ingleside Ave	Catonsvi	3	1/1	Rancher		\$89,900
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Days on Market: 119 Date Sold: 08/06/93 Date Settled: 09/29/93 Age: 26 Fuel Cost: \$100 Features: Detached, Brick Home, Asbestos Shg, Asph Sh Roof, Full, Improvd, Elec, Gas, Fha, Central A/C, Ceiling Fans, Ex Dl Glz Wn, Ex Storm Drs, Gas Range, Cont-CI Oven, Microwave, Refrigerator, Washer, Elect Dryer, Wood Floors, Tile/Slatefl, Ex Ww Carpet, Ex Curtn Rod, Ex Blinds, Some Drapes, Brick Home, Asbestos Shg, Ext Lighting, Slick Pad, Driveway, Inside Lot, Tree Studded, Level Lot, Public Water, Public Sewer, Public Gas, Updatd Plumb, Catonsvi



Recently Sold...

<u>ADDRESS</u>	<u>NEIGHBORHOOD</u>	<u>BDS</u>	<u>BTHS</u>	<u>STYLE</u>	<u>LEVEL</u>	<u>SOLD PRICE</u>
1405 Ingleside Ave	Edmondso	3	1/0	Split Le		\$86,000

Days on Market: 73 Date Sold: 08/07/93 Date Settled: 10/12/93 Age: 32  
 Fuel Cost: \$1,200 Ground Rent: \$15 Features: Detached, Asbestos Shg,  
 Asph Sh Roof, Crawl Space, Half, Improvd, Gas, Wood, Fha, Central A/C,  
 Ex Storm Wnw, Ex Storm Drs, Attic Insul, Gas Range, Refrigerator, Washer,  
 Gas Dryer, Dishwasher, Disposal, Wood Floors, No Wax Kitch, Ex Ww Carpet,  
 Ex Curtn Rod, Some Drapes, Ex Lgt Fxtrs, Asbestos Shg, Off-St Park,  
 Inside Lot, Tree Studded, Level Lot, Public Water, Public Sewer, Public Gas,  
 Security Sys, Edmondso

1427 Ingleside Ave	Edmondso	4	1/0	Split Le		\$87,000
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Days on Market: 157 Date Sold: 07/18/93 Date Settled: 10/15/93 Age: Unk  
 Ground Rent: \$15 Features: Detached, Alum Siding, Brick Veneer, Asph Sh Roof,  
 Full, Improvd, Gas, Wood, Fha, Central A/C, Ceiling Fans, Ex Rplc Wnws,  
 Ex Storm Drs, Gas Range, Self-Cl Oven, Refrigerator, Washer, Gas Dryer,  
 Dishwasher, Wood Floors, No Wax Kitch, Ex Ww Carpet, Ex Curtn Rod, Ex Shades,  
 Ex Blinds, Alum Siding, Brick Veneer, Ext Lighting, Slick Pad, Off-St Park,  
 Inside Lot, Level Lot, Landscaped, Public Water, Public Sewer, Public Gas,  
 Humidifier, Edmondso

5919 Franklin Ave	Catonsvi	3	2/0	Rancher		\$90,000
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Days on Market: 0 Date Sold: 08/02/93 Date Settled: 08/30/93 Age: Unk  
 Ground Rent: \$10 Features: Detached, Brick Home, Frame Home, Asph Sh Roof,  
 Full, Improvd, Gas, Fha, Central A/C, Wdw Screens, Ex Storm Wnw, Ex Rplc Wnws,  
 Ex Storm Drs, Gas Range, Microwave, Refrigerator, Washer, Gas Dryer,  
 Brick Home, Frame Home, Inside Lot, Tree Studded, Level Lot, Public Water,  
 Public Sewer, Public Gas, Catonsvi

5915 Sunset Ave	Catonsvi	4	2/0	Split Fo		\$115,000
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Days on Market: 10 Date Sold: 09/17/93 Date Settled: 10/29/93 Age: 5  
 Features: Detached, Alum Siding, Al/Vnyl Trim, Asph Sh Roof, Full, Improvd,  
 Elec, Wood, Fha, Heat Pump, Central A/C, Attic Fans, Ex Storm Wnw,  
 Ex Dl Glz Wn, Ex Storm Drs, Elec Range, Self-Cl Oven, Microwave, Refrigerator,  
 Washer, Elect Dryer, Some Drapes, Alum Siding, Al/Vnyl Trim, Inside Lot,  
 Part Fenced, Level Lot, Public Water, Public Sewer, Cable Tv, Fan On Range,  
 Catonsvi

Recently Sold...

<u>ADDRESS</u>	<u>NEIGHHOOD</u>	<u>BDS</u>	<u>BIHS</u>	<u>STYLE</u>	<u>LEVEL</u>	<u>SOLD PRICE</u>
1400 Ingleside Ave	Catonsvi	3	2/0	Cape Cod		\$75,000

Days on Market: 236 Date Sold: 07/22/93 Date Settled: 08/19/93 Age: 62  
Fuel Cost: \$525 Features: Detached, Frame Home, Formstone, Asph Sh Roof,  
Full, Unimproved, Gas, Oil, Fha, Window A/C, Wdw Screens, Ex Storm Wnw,  
Ex Storm Drs, Gas Range, Self-CI Oven, Refrigerator, Washer, Gas Dryer,  
Dishwasher, Wood Floors, No Wax Kitch, Ex Curtn Rod, Ex Shades, Ex Blinds,  
Some Drapes, Frame Home, Formstone, Garage 1 Det, Driveway, Corner Lot,  
Wooded Lot, Level Lot, Public Water, Public Sewer, Public Gas, Tv Antenna,  
Fan On Range, Humidifier, Dehumidifier, Updatd Plumb, Catonsvi

AVERAGE OF 7 PROPERTIES is \$88,700

Did Not Sell...

<u>ADDRESS</u>	<u>NEIGHHOOD</u>	<u>BDS</u>	<u>BIHS</u>	<u>STYLE</u>	<u>LEVEL</u>	<u>LIST PRICE</u>
5934 Hilltop Ave \$\$\$	Catonsvi	4	3/0	Rancher		\$114,999

Age: 12 Features: Detached, Brick Home, Mason Siding, Asph Sh Roof,  
Full, Improvd, Elec, Oil, Hwbb, Central A/C, Ceiling Fans, 2+ Fireplace,  
Ex Storm Wnw, Elec Range, Self-CI Oven, Microwave, Refrigerator, Washer,  
Elect Dryer, No Wax Kitch, Ex Ww Carpet, Some Drapes, Ex Lgt Fxtrs,  
Brick Home, Mason Siding, Garage 1 Att, Driveway, Inside Lot, Landscaped,  
Public Water, Public Sewer, Cable Tv, In Law Apt, Fan On Range, Catonsvi

AVERAGE OF 1 PROPERTIES is \$114,999

## SERVICES YOU WILL RECEIVE ...

- We will help you determine the best selling price for your home.
- We will tell you what to do to get your home in sale condition.
- We will recommend reputable repair companies if necessary.
- We will develop a strategy to show your home.
- We will enter your home in the Multiple List service immediately.
- We will implement a comprehensive marketing plan.
- We will periodically meet with you to review progress.
- We will promptly advise you of changes in the market climate.
- We will present all offers to you promptly and assist in evaluating them.
- We will monitor progress toward closing when a contract is accepted.
- We will immediately advise you of events that may threaten closing.
- We will coordinate and monitor the settlement process.
- We will monitor the appraisal and buyers loan approval.
- We will stay in contact with selling agent to make sure things are proceeding smoothly.
- We will be present at closing to assure a successful conclusion.

## IN CONCLUSION ...

You should choose RUSS BLACKBURN because:

I will provide you with excellent service and support.

I have made a thorough market analysis of your home.

I have developed a winning marketing plan.

I will make every effort to sell your home promptly.

I have the resources of O'Connor, Piper & Flynn.

**LET ME LIST YOUR HOME NOW.**

FEBRUARY 10, 1994

MR. JOSEPH LOTZ  
5904 HILLTOP AVENUE  
BALTIMORE, MD 21207

WE SENT THIS TO MR. LOTZ  
AND EACH OF THE OTHER PEOPLE  
THAT PROTESTED.

DEAR MR. LOTZ,

WE ARE AWARE THAT YOU HAVE CONCERNS ABOUT OUR PLANS FOR THE PROPERTY AT 5902 HILLTOP AVENUE. SINCE YOU FELT THAT THE RANCHER WE SUBMITTED WAS NON-CONFORMING TO THE LOT SIZE, WE HAVE PURCHASED PLANS FOR A TWO-STORY VICTORIAN COTTAGE.

WE WOULD LIKE TO DISCUSS THE ENCLOSED HOUSE PLAN WITH YOU BEFORE THE BALTIMORE COUNTY HEARING ON FEBRUARY 24, 1994. THEREFORE, ON SUNDAY, FEBRUARY 20, 1994 BETWEEN 1 AND 3 P.M., WE INVITE YOU TO AN ON-SITE MEETING AT 1528 INGLESIDE AVENUE WITH HARRY BLACKBURN AND CAROLE & WARREN GRILL. THIS IS THE ADJOINING PROPERTY OF THE BUILDING LOT WHERE MY UNCLE, HARRY BLACKBURN, HAS RESIDED FOR THE PAST 50 YEARS.

IN CLOSING WE WOULD LIKE TO ASSURE YOU THAT WARREN GRILL HAS BEEN IN THE HOME CONTRACTING BUSINESS FOR 35 YEARS AND WOULD NOT ENDANGER HIS GOOD AND LONGSTANDING REPUTATION BY BUILDING SOMETHING UNDESIREABLE.

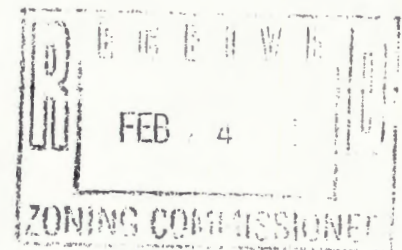
WE UNDERSTAND YOUR CONCERNS AND ANXIETIES AND LOOK FORWARD TO MEETING WITH YOU ON FEBRUARY 20, 1994.

SINCERELY YOURS,

*Carole Grill*

*Warren Grill*

CAROLE AND WARREN GRILL  
6220 ROLLING VIEW DRIVE  
SYKESVILLE, MARYLAND 21784  
(410) 795-2598 OR (410) 549-1111



MR. SCHMIDT,

PLEASE SEE THAT THIS GETS IN  
THE FILE FOR CASE NO. B184576 THAT  
IS SCHEDULED FOR FEBRUARY 24, 1994.  
THANK YOU!

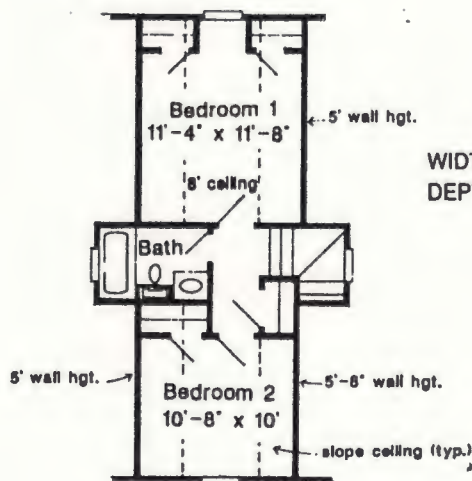
Sincerely,  
*Carole Grill*



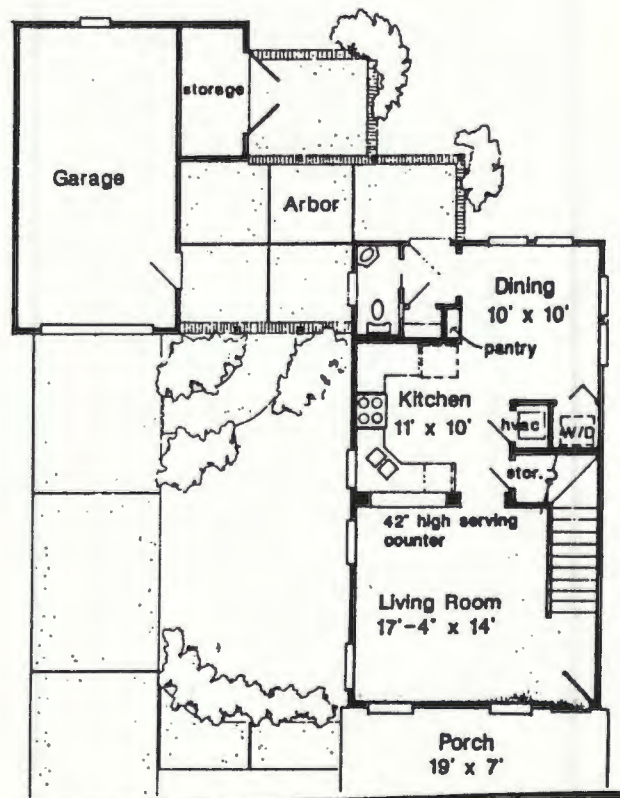
First Floor: 588 square feet  
 Second Floor: 397 square feet  
 Total: 985 square feet  
 Width 19'  
 Depth 40'-2"

● This quaint little Victorian cottage serves perfectly as a starter or second home; or maybe you have it in mind for a lakefront location. Beyond the front porch, the living room defines the front of the house. A full kitchen, a dining room and a powder room account for the back of the house. Each of these areas appreciates an abun-

dance of natural lighting and excellent space utilization. Upstairs, two family bedrooms share a full bath. Bedroom 1 enjoys twin closets. Economical construction makes this house even more attractive. You'll find a detached garage with storage space just beyond the back door and arbor making a delightful outdoor living space.



WIDTH 19'  
 DEPTH 40'-2"



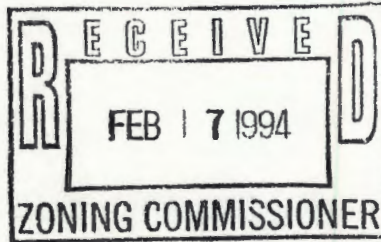
CASE # B14576

803-94

2/15/94  
f

Notes  
Nog on  
2/24

FEBRUARY 10, 1994



MR. JOSEPH LOTZ  
5904 HILLTOP AVENUE  
BALTIMORE, MD 21207

DEAR MR. LOTZ,

WE ARE AWARE THAT YOU HAVE CONCERNS ABOUT OUR PLANS FOR THE PROPERTY AT 5902 HILLTOP AVENUE. SINCE YOU FELT THAT THE RANCHER WE SUBMITTED WAS NON-CONFORMING TO THE LOT SIZE, WE HAVE PURCHASED PLANS FOR A TWO-STORY VICTORIAN COTTAGE.

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IN CLOSING WE WOULD LIKE TO ASSURE YOU THAT WARREN GRILL HAS BEEN IN THE HOME CONTRACTING BUSINESS FOR 35 YEARS AND WOULD NOT ENDANGER HIS GOOD AND LONGSTANDING REPUTATION BY BUILDING SOMETHING UNDESIREABLE.

WE UNDERSTAND YOUR CONCERNS AND ANXIETIES AND LOOK FORWARD TO MEETING WITH YOU ON FEBRUARY 20, 1994.

SINCERELY YOURS,

*Carole Grill*

*Warren Grill*

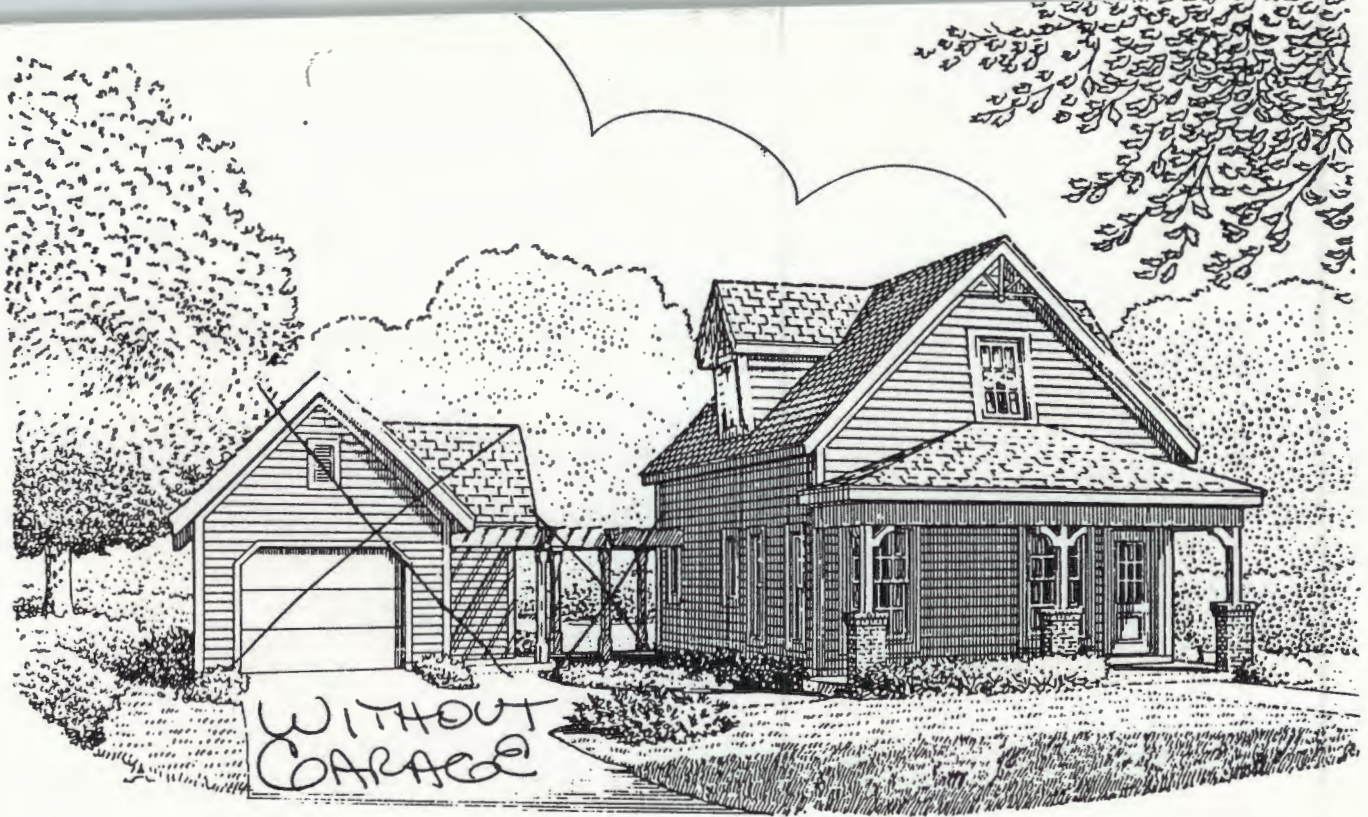
CAROLE AND WARREN GRILL  
6220 ROLLING VIEW DRIVE  
SYKESVILLE, MARYLAND 21784  
(410) 795-2598 OR (410) 549-1111

RECEIVED

FEB 15 1994

ZADM

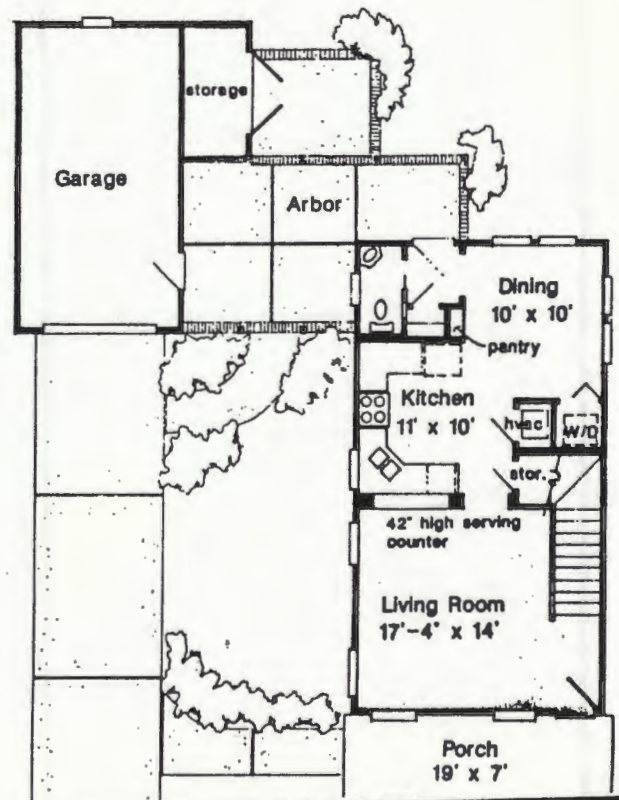
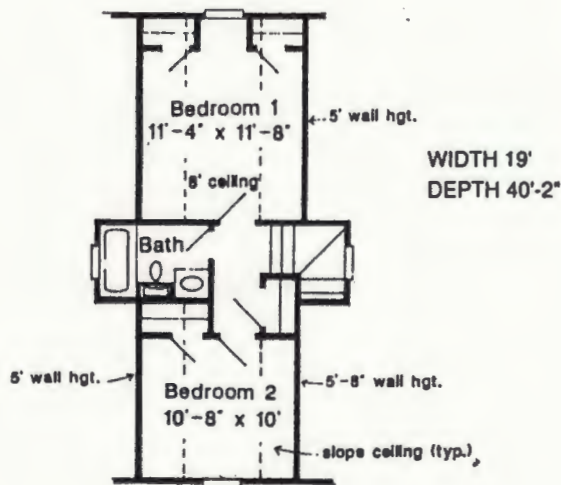
Gwen-  
I AM SENDING YOU  
A COPY OF THE LETTER  
AND NEW HOUSE PLAN  
THAT I SENT TO MR.  
LOTZ AND THE 20 OTHER  
PEOPLE THAT PROTESTED.  
PLEASE PUT THIS IN  
THE FILE SO THE  
ZONING COMMISSIONER  
IS AWARE OF THE  
NEW PLAN BEFORE  
THE HEARING.  
THANKS, SO MUCH!  
CAROLE GRILL  
CASE # B184576



First Floor: 588 square feet  
 Second Floor: 397 square feet  
 Total: 985 square feet  
 Width 19'  
 Depth 40'-2"

● This quaint little Victorian cottage serves perfectly as a starter or second home; or maybe you have it in mind for a lakefront location. Beyond the front porch, the living room defines the front of the house. A full kitchen, a dining room and a powder room account for the back of the house. Each of these areas appreciates an abun-

dance of natural lighting and excellent space utilization. Upstairs, two family bedrooms share a full bath. Bedroom 1 enjoys twin closets. Economical construction makes this house even more attractive. You'll find a detached garage with storage space just beyond the back door and arbor making a delightful outdoor living space.





Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

January 20, 1994

(410) 887-4386

**JAN 21 1994**

Mr. Joseph L. Lotz  
5904 Hilltop Avenue  
Baltimore, Maryland 21207

RE: Case No. B184576  
Protest to the Rezoning of 5902 Hilltop Avenue

Dear Mr. Lotz:

This is to acknowledge receipt of your recent letter regarding the above property.

Upon receipt of your letter, I reviewed the Zoning Commissioner's active files to determine whether a case was pending on this property. Unfortunately, I have not located any case which has been filed relating to this site. Moreover, the case number provided, B184576, does not sequentially follow the case numbers which are assigned to matters before this office.

In investigating the matter further, it appears that B184576 relates to a building permit which has been issued. Thus, I am referring your letter to Mr. Douglas Swam of the Office of Permits and Licenses for review and response, as necessary. If you have any questions regarding the permit which has been issued, I might suggest that you call Mr. Swam directly at 887-4455.

Lastly, kindly note that I have directed this response only to you irrespective of the fact that there were in excess of 20 people who signed the letter. As the first signee, I assume that you are acting as spokesman on behalf of your community.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

cc: Mr. Douglas Swam, Office of Permits and Licenses ✓



Zoning Commission  
111 W. Chesapeake Ave.  
Towson, MD 21204

**To:** Baltimore County Zoning Commission  
**From:** Catonsville Gardens Residents  
**Subject:** Protest to the Rezoning of 5902 Hilltop Ave., Baltimore, MD 21207  
**Case No.:** B184576

The residents of Catonsville Gardens (Hilltop Ave. and the surrounding areas) are filing a formal protest to the proposed rezoning notice (Case No. B184576) posted on the vacant lot known as 5902 Hilltop Ave., Baltimore, MD 21207. We as the community residents have several concerns relating to the proposed rezoning and request a public hearing so that these concerns can be addressed.

1. What is the current description of the present zoning?
2. What is the description of the proposed rezoning?
3. What is the proposed configuration of the improvement structure requested for the property?
4. What impact will this structure have on neighborhood parking? Is offstreet parking a requirement?
5. Will the structure present an impediment to public safety regarding access of emergency vehicles?
6. What will be the requirements for setbacks and sideyards?
7. Will the structure be compatible with existing structures in the surrounding neighborhood? As it now appears, the structure and lot size are non-conforming.
8. How will property values be affected? Residents are concerned that the non-conforming lot size and structure and will be incompatible with the character of our community and thus will have an adverse effect on our property values.

As previously stated, the community residents request a public hearing on the proposed rezoning so that property owners can be heard on the above-mentioned concerns. Enclosed is a sketch and diagram of 5904 Hilltop Ave., which will be adjacent to the proposed structure. We hope that these matters can be resolved in a manner which is satisfactory to all concerned.

Sincerely,

The Undersigned

The following is a list of residents who oppose the proposed rezoning:

JOSEPH L. LOTZ  
Please Print Name

Joseph L. Lotz  
Signature

Joseph L. Lotz  
5904 Hilltop Ave.  
Baltimore, MD 21207

James I. Hannon  
Please Print Name

James I. Hannon  
Signature

James I. Hannon  
5923 Hilltop Ave.  
Baltimore, MD 21207

STEVE M. NAGY  
Please Print Name

Steve M. Nagy  
Signature

Steve M. Nagy  
5903 Hilltop Ave.  
Baltimore, MD 21207

SADIE LIBERTO  
Please Print Name

Sadie Liberto  
Signature

Sadie Liberto  
5905 Hilltop Ave.  
Baltimore, MD 21207

SCOTT C. SNOFFER  
Please Print Name

Scott C. Snoffer  
Signature

Scott C. Snoffer  
5906 Hilltop Ave.  
Baltimore, MD 21207

MATTHEW ALMERINO  
Please Print Name

Matthew Palmerio  
Signature

Matthew Palmerio  
5907 Hilltop Ave.  
Baltimore, MD 21207

CASSANDRA BROWN  
Please Print Name

Cassandra Brown  
Signature

Cassandra Brown  
5908 Hilltop Ave.  
Baltimore, MD 21207

MARGARET C. ZELL  
Please Print Name

Margaret C. Zell  
Signature

Margaret Zell  
5910 Hilltop Ave.  
Baltimore, MD 21207

WARREN G. FISHER  
Please Print Name

Warren G. Fisher  
Signature

Warren G. Fisher  
5912 Hilltop Ave.  
Baltimore, MD 21207

MARGARET M. McCANCE  
Please Print Name

Margaret McCance  
Signature

Margaret McCance  
5914 Hilltop Ave.  
Baltimore, MD 21207



Anne E. Roe

Please Print Name

Anne E. Roe

Signature

Anne Roe  
5927 Hilltop Ave.  
Baltimore, MD 212107

Ray L. Pratt

Please Print Name

Ray L. Pratt

Signature

Ray L. Pratt  
5929 Hilltop Ave.  
Baltimore, MD 21207

ANTHONY A. PALMERINO

Please Print Name

Anthony A. Palmerino

Signature

Anthony A. Palmerino  
1520 Dorchester Ave.  
Baltimore, MD 21207

Howard E. Burke

Please Print Name

Howard E. Burke

Signature

Howard E. Burke  
1518 1/2 Ingleside Ave.  
Baltimore, MD 21207

CHARLES C HARTSOCK

Please Print Name

Charles C Hartsock

Signature

Charles C. Hartsock  
1520 Ingleside Ave.  
Baltimore, MD 21207

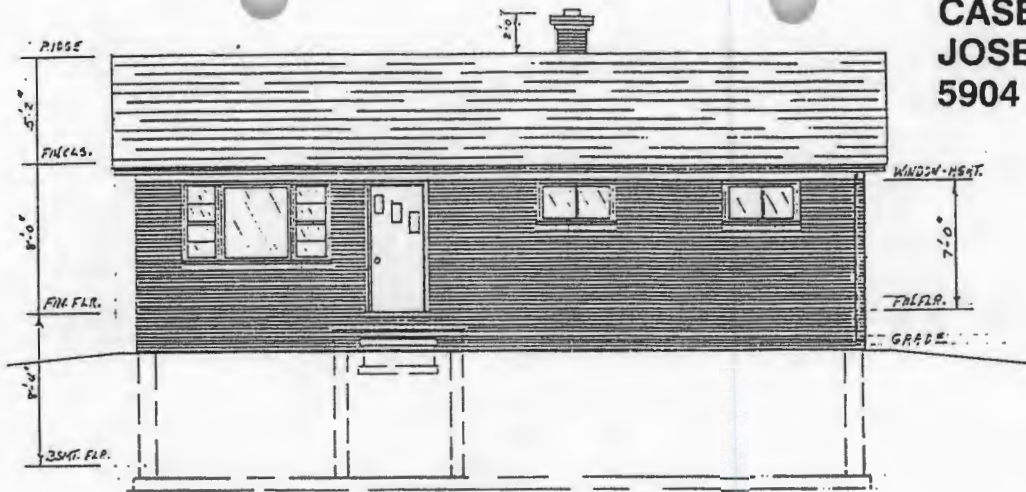
ROBERT WIGGINS  
Please Print Name

Robert Wiggins  
Signature

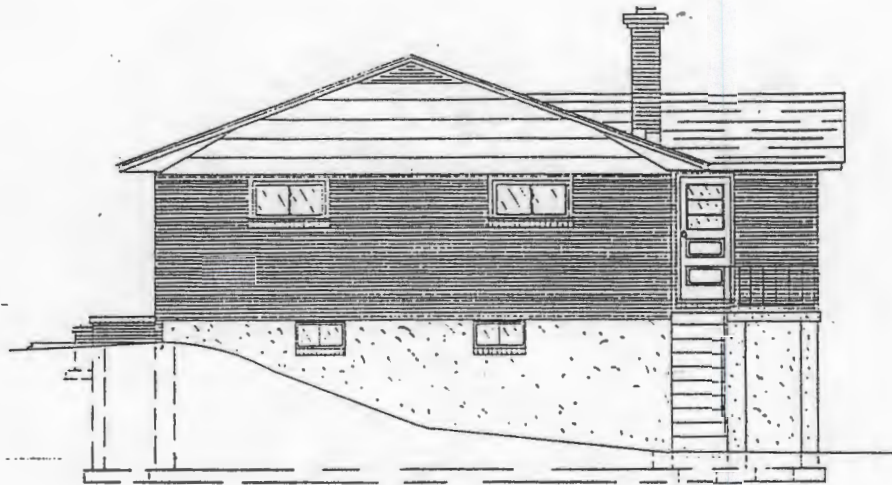
Robert Wiggins  
1524 Ingleside Ave.  
Baltimore, MD 21207

cc: Joseph L. Lotz  
James I. Hannon  
Steve M. Nagy  
Sadie Liberto  
Scott C. Snorffer  
Matthew Palmerio  
Cassandra Brown  
Margaret Zell  
Warren G. Fisher  
Margaret McCance  
James Scrofo  
Bryn Scrofo  
John Koontz  
Marcella E. Cummings  
Joseph Delguidice  
Anne Roe  
Ray L. Pratt  
Anthony A. Palmerio  
Howard E. Burke  
Charles C. Hartsock  
Robert Wiggins  
  
William Hughey, Community Planner

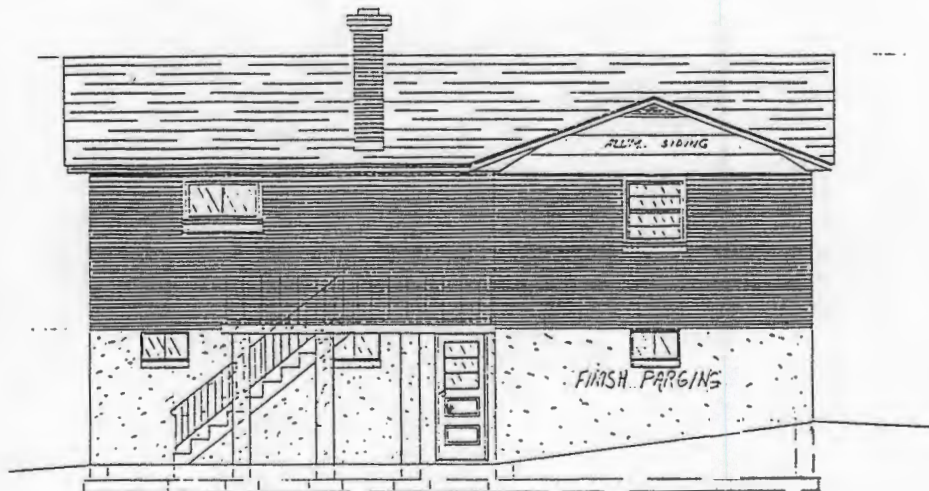
CASE NO. B184576  
JOSEPH L. LOTZ  
5904 HILLTOP AVE.



— FRONT ELEVATION —



— RIGHT SIDE ELEVATION —



— REAR ELEVATION —



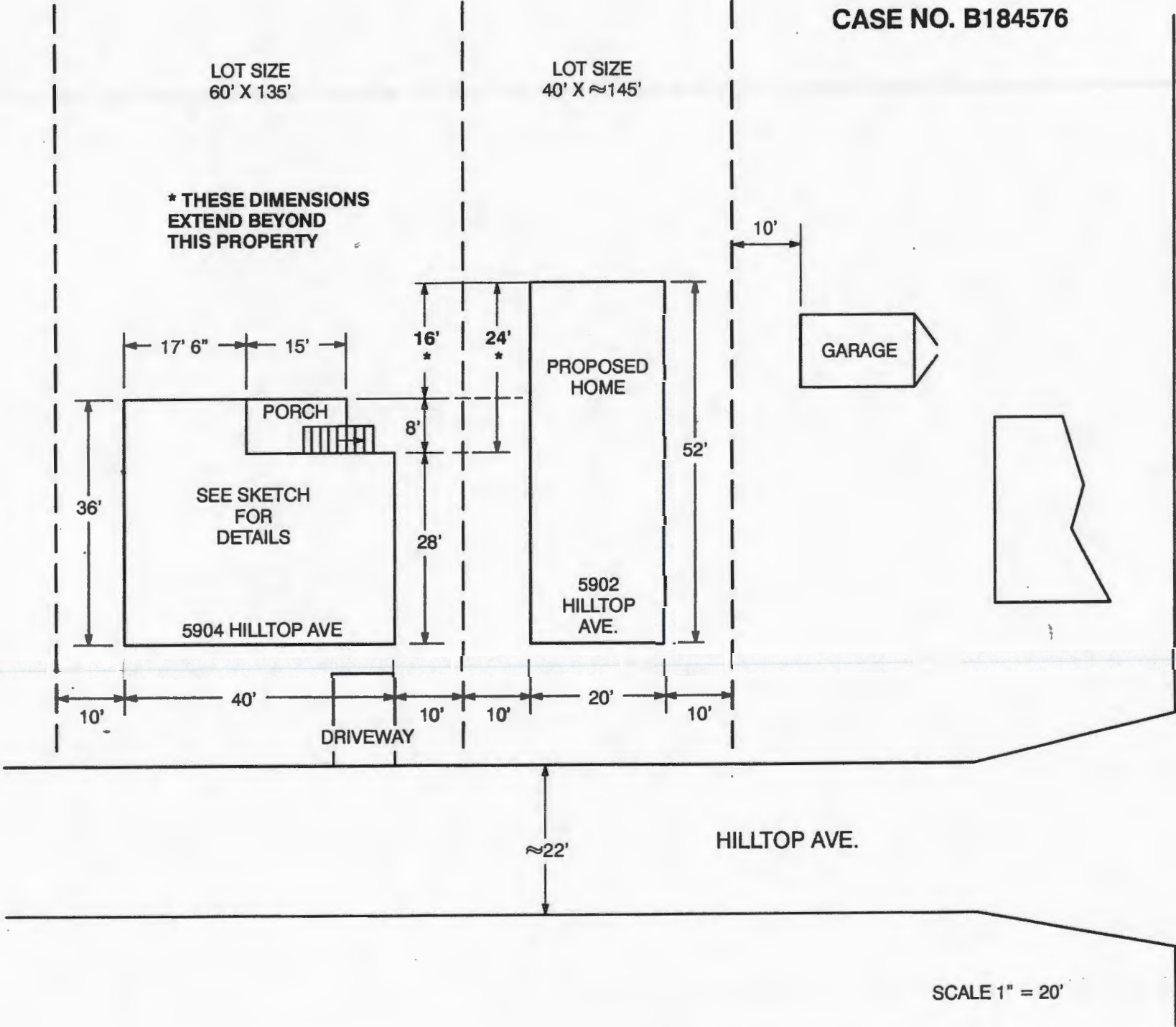
CASE NO. B184576

LOT SIZE  
60' X 135'

LOT SIZE  
40' X ≈145'

\* THESE DIMENSIONS  
EXTEND BEYOND  
THIS PROPERTY

8



INGLESIDE AVE.

HILLTOP AVE.

SCALE 1" = 20'

J. L. Lotz  
5904 Hilltop Ave  
BALTO MD  
21207

ZONING ADMINISTRATION & DEVELOPMENT MANAGEMENT

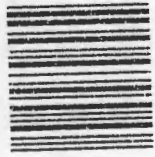
111 W. CHESAPEAKE AVE

TOWSON, MD. 21204

Room 109

ATTN: ARNOLD JABLON

U.S. POSTAGE  
PAID  
BALTIMORE, MD  
21207  
JAN 11 94  
AMOUNT



\$2.52  
99014366-22



0000

21204

Fold at line over top of envelope to the right of the return address

CERTIFIED

P 097 981 800

MAIL

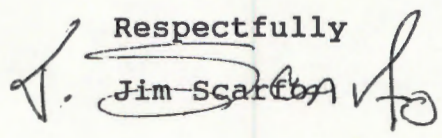
210-94

1/12/94  
9

December 22, 1993

Dear Ms. Stephens

As a resident of 5916 Hilltop Ave, Balto. Md. 21207, I wish to protest the rezoning of the property at 5902 Hilltop Ave, ID # B184576. I believe it is not fair to the two border properties to have a home so close to their property line.

Respectfully  
  
Jim Scarfo

RECEIVED

JAN 11 1994

ZADM

To: ZADM

From: OPZ

Subject 5902 Hulltop Ave.

I have reviewed the proposal for a change in architectural style of the house. It will be more compatible with the adjacent houses. I recommend APPROVAL.

Francis Mowsey  
January 12, 1994

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JANUARY 11, 1994

Ms. Carole Grill  
6220 Rolling View Drive  
Sykesville, Maryland 21784

Re: Undersized lot - 5902 Hilltop Avenue

Dear Ms. Grill:

Please be advised that pursuant to the Office of Planning and Zoning's comments and recommendations with regard to the above-referenced lot, permit #B184576NR has been denied.

Attached you will find a copy of said recommendation. If you wish to make changes in the house design, please contact OPZ within the next day or two to ascertain what would be acceptable. Your other option is to file an appeal to the Board of Appeals. If you wish to file an Appeal, please contact Zoning Administration at 887-3391 and ask for Julie.

A handwritten signature in cursive script that reads "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

AJ:ggs



1/4/94 75-94  
to WLR  
delay permit!

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 29, 1993  
Zoning Administration and  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning & Zoning

SUBJECT: BUILDING PERMIT #B184576NR  
PURSUANT TO SECTION 304.2 (5902 HILLTOP AVE.)

Pursuant to the provisions of BCZR, Section 304.2A and 304.2B concerning use of undersized single-family lots, OPZ recommends denial of building permit for the following reasons:

1. The proposed dwelling is not appropriate in relation to existing structures in the neighborhood. This opinion is based on the 20' building width, 52' building length and lot coverage of the proposed dwelling.
2. The architectural style of the proposed house is not compatible with existing homes in the established neighborhood. Most homes along Hilltop Avenue are small ranchers with their longest building face running parallel to Hilltop Avenue. The proposed 20' wide house will run over 50 feet deep into the 40' wide lot at a perpendicular angle to Hilltop Avenue. This significant design element is a drastic departure from the norm on Hilltop Avenue and would probably have a negative effect on the neighborhood.

PK:BH:lw  
BHHILLTP/PZONE/TXTLLF

RECEIVED  
JAN. 4 1994

ZADM

NINTH IN...  
PLA. 1/16-OFF. FILE.

BALTIMORE COUNTY SOIL CONSERVATION DISTRICT  
SEDIMENT AND EROSION CONTROL STANDARD PLAN  
FOR AREAS NOT TO EXCEED 20,000 SQUARE FEET

J-1

LANDOWNER: WARREN AND CAROLE GRILL

ADDRESS: 5902 HILLTOP AVENUE

BALTO., MD 21207, hereby requests a Standard Plan  
for Sediment and Erosion Control to be used for construction  
of SINGLE FAMILY DWELLING located at 5902 HILLTOP AVENUE.

Map Coordinates \_\_\_\_\_

Precinct: 03 District: 01

"I hereby certify that all requirements for this plan will be met and that all grading and construction will be done according to the requirements and guidelines for this plan.

Signature of Landowner/Agent: [Signature] 11-30-93  
(DATE)

Printed name of landowner/agent: WARREN C. GRILL

BALTIMORE COUNTY SOIL CONSERVATION DISTRICT

APPROVED FOR SEDIMENT CONTROL 299-COUNTY-92

Vernon R. Foster  
DISTRICT OFFICIAL

Plan Number

Technical review for the District by:

[Signature]  
USDA SOIL CONSERVATION SERVICE

Approved by the Baltimore County SCD, to be issued by Baltimore County.

Completed copy sent to SCD. Date \_\_\_\_\_

This plan is not valid for issue after 12-31-93.

IF ANY OF THE LIMITATIONS FOR THE USE OF THIS PLAN CANNOT BE MET, THIS PLAN CANNOT BE USED.

SECOND EVIDENCE OF LOT 11  
 ADV. NEW DEED ALSO  
 SEE DRC. LTR.

**Baltimore County, Maryland  
 Land Instrument Intake Sheet**

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Tax-Property Article, §13-101 through 13-408, as amended, it is certified that an instrument of writing dated conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or in which a lien or encumbrance is created, is identified as follows:

1 Description of Property  
 (Check box(es) for item(s) to be indexed in land records)

Property Tax ID No. 01-00-430793 Lot/Block \_\_\_\_\_ Map/Grid/Parcel No. \_\_\_\_\_  
 Subdivision/Tract \_\_\_\_\_ Acreage 1.5809 Prior Deed Ref. 100-77/375 VAR. L.O.G. 11  
 Street Address (or description if partial conveyance) Vacant lot

2 Transferred From

Grantor(s) ( ) check box if additional sheets are attached  
Warren G. Gr. II  
Carole G. Gr. II  
 Owner of record (if different from grantor)

3 Transferred To

Grantor(s) ( ) check box if additional sheets are attached  
Warren G. Gr. II  
Carole G. Gr. II

4 Type of Instrument

Deed  Assignment of Mgt/DOI  Financing Statement   
 Deed of Trust  Contract  Other (Specify) \_\_\_\_\_  
 Mortgage  Land Installment Cont.   
 Lease  Power of Attorney

5 Exemptions  
 (Cite authority or explain briefly)

Baltimore County Exempt Status Claimed: \_\_\_\_\_  
 Recordation Tax Exempt Status Claimed: \_\_\_\_\_  
 State Exempt Status Claimed: \_\_\_\_\_  
Subdivision

6 Consideration and Tax Calculations  
 Make check payable to Baltimore County, MD (410) 887-2416

Consideration Amount  
 Purchase Price/Consideration (including any new mortgage) \$ 0.00  
 Real Property \_\_\_\_\_  
 Personal Property \_\_\_\_\_  
 Balance of Assumed Mortgage \_\_\_\_\_  
 Other \_\_\_\_\_  
 Total Consideration or Assessed Factor \$ \_\_\_\_\_

County Taxes to be Paid  
 Transfer Tax Consideration \$ \_\_\_\_\_ x 1.6% = \$ \_\_\_\_\_  
 Office of Finance Use Only  
 Agent \_\_\_\_\_ Tax Bill: \_\_\_\_\_  
 C.B. Credit: \_\_\_\_\_ Ag. Tax/Other: \_\_\_\_\_

7 Fees and Recording Instructions  
 Make check payable to Clerk of the Circuit Court (410) 887-2650

Recording Fees  
 Recording Charges \$ \_\_\_\_\_  
 State Transfer Tax \$ \_\_\_\_\_  
 County Recordation Tax \$ \_\_\_\_\_  
 Surcharge \$ \_\_\_\_\_  
 Other \$ \_\_\_\_\_  
 Total \$ \_\_\_\_\_

8 Contact/Mail Information

Instrument Prepared By Name: Rose Myers Return Instrument To Name: \_\_\_\_\_  
 Firm: Foundations Title Address: \_\_\_\_\_  
 Address: 601-11th St, Baltimore Address: \_\_\_\_\_  
 Phone: 549-5440 Phone: \_\_\_\_\_  
 Mailing Address for Tax Bill Name: Warren Gr. II  
 Address: 6220 Rollingwood Dr, Sykesville, MD 21784

9 Certification

I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief.  
 Signature: Rose Myers Date: 10/1/95

10 Assessment Information  
 (410) 321-2299

IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER  
 Yes No  
 Will grantor be living at property conveyed?    
 Is grantor currently receiving a homeowner's tax credit?    
 Is property conveyed subject to agricultural transfer tax? If yes, enter amount:    
 Yes No  
 If agricultural assessment on conveyance is to continue, have you attached a letter of intent?    
 Yes No  
 Partial conveyance? If yes, amount of acreage transferred:    
 List improvements conveyed: \_\_\_\_\_  
 If subdivision occurred after July 1, indicate former property tax ID number: \_\_\_\_\_

Optional Expediting Information  
 A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.  
 Yes  No  Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage: \_\_\_\_\_  
 Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage): \_\_\_\_\_

Location and improvement address: \_\_\_\_\_

Assessment (Use Only - Do Not Write Below This Line)  
 Terminal Verification  Direct Plotter   
 Agricultural Verification  Deed Reference   
 Title Process Verification  Assigned Property No   
 Whole \_\_\_\_\_ Desc: \_\_\_\_\_ Part \_\_\_\_\_

1993 RECEIPT  
 #37921 001 R02 114:12  
 CHECK TL 21.00  
 SM CLERK 21.00  
 DEED 0  
 CC IMP 5.00  
 C REC/F 16.00  
 REC'D AND RECORDED  
 12/02/93  
 FOR BALTIMORE COUNTY  
 CLERK OF CIRCUIT CT  
 SUZANNE MENSH

Space Reserved for Circuit Court Clerk Recording Validation

Space Reserved for County Transfer Tax





# ORIGINAL

1 IN THE MATTER OF \* BEFORE THE  
 2 WARREN GRILL, ET UX. \* COUNTY BOARD OF APPEALS  
 3 PETITIONERS \* OF BALTIMORE COUNTY  
 4 West Side Hilltop Avenue, 125' \* Case No. CBA-94-163  
 5 West of Ingleside Avenue \* January 26, 1995  
 6 (5902 Hilltop Avenue) \*  
 7 1st Election District \*  
 8 1st Councilmanic District \*  
 9 \* \* \* \* \*

10 The above-entitled matter came on for hearing  
 11 before the County Board of Appeals of Baltimore County at  
 12 the Old Courthouse, 400 Washington Avenue, Towson,  
 13 Maryland 21204 at 10 o'clock a.m., January 26, 1995.

14 \* \* \* \* \*

15  
 16  
 17  
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 20  
 21

Reported by:  
 C.E. Peatt

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

\*Amended -as to date (prior memo showed 10/6/99)

TO: Arnold Jablon, Director                      DATE: \*February 8, 2000  
Permits & Development Management

FROM: Charlotte E. Radcliffe  
County Board of Appeals

SUBJECT: Closed File:  
  
CBA-94-163 /Warren Grill, et ux

Pursuant to our recent request for the current status of the above captioned case, the Board was informed by a clerk in the CCT that this case was completed in the upper courts in November, 1996, and the original file and exhibits were returned to your office by John Almond, Records Manager /CCT. Therefore, we are hereby closing the Board's case file and returning same to you herewith.

/cer

Attachment - Case File - CBA-94-163

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director                      DATE: October 6, 1999  
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*  
County Board of Appeals

SUBJECT: Closed File:  
CBA-94-163 /Warren Grill, et ux

Pursuant to our recent request for the current status of the above captioned case, the Board was informed by a clerk in the CCT that this case was completed in the upper courts in November, 1996, and the original file and exhibits were returned to your office by John Almond, Records Manager /CCT. Therefore, we are hereby closing the Board's case file and returning same to you herewith.

/cer

Attachment - Case File - CBA-94-163

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

\*

\*

PETITION OF WARREN GRILL AND CAROLE  
GRILL, HUSBAND AND WIFE  
6220 Rolling View Drive  
Sykesville, Maryland 21784

\*

\*

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

\*

\*

\*

CIVIL  
ACTION  
No. 95-CV-04581  
/111/136

IN THE CASE OF: IN THE MATTER OF

\*

WARREN GRILL, ET UX  
ZONING COMMISSIONER'S APPROVAL/  
BUILDING PERMIT APPLICATION FOR  
PROPERTY LOCATED ON WEST SIDE HILLTOP  
AVENUE, 125' WEST OF INGLESIDE AVENUE  
(5902 HILLTOP AVENUE)  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT  
CASE NO. CBA-94-163

\*

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\* \* \* \* \*

PROCEEDINGS BEFORE THE OFFICE OF PERMITS  
AND DEVELOPMENT MANAGEMENT  
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes S. Diane Levero, constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against the Board in this case, herewith returns the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of Permits and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND  
OFFICE OF PERMITS AND DEVELOPMENT MANAGEMENT  
OF BALTIMORE COUNTY

CBA-94-163

January 26, 1995      Hearing held before the Board of Appeals.

February 10            Memorandum filed by C. Victor McFarland, Esquire, on behalf of Grill. (People's Counsel for Baltimore County verbally indicated no response to Memorandum will be submitted.)

February 15            Public Deliberation held by the Board; decision - two to one in favor of denying request.

CBA-94-163, Warren Grill, et ux  
 File No. 111/136/95-CV-04581

3

February 15 Letter to Chairman of the Board of Appeals from C. Victor McFarland.

February 17 Reply to letter dated 2/15/95 to Chairman of the Board of Appeals from People's Counsel.

April 28 Opinion and Order of the Board in which the decision of the Zoning Commissioner was REVERSED and the building permit application was DENIED. (Dissenting Opinion by Mr. Schuetz)

May 26 Petition for Judicial Review filed in the Circuit Court for Baltimore County by C. Victor McFarland, Esquire, on behalf of Warren and Carole Grill.

May 31 Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.

June 2 Certificate of Notice sent to interested parties.

July 28 Transcript of testimony filed.

Petitioner's Exhibit No. 1 -Deed, 10/26/27; Wm. Blackburn & Heacock to Harry and V. Blackburn  
 2 -Deed, 5/8/43; Wm. Blackburn to H. and V. Blackburn  
 3 -Deed, 11/19/93; Grill to Grill (lot expansion)  
 4 -Deed, 8/19/93; Blackburn to Grill  
 5 -Deed, 11/19/93; Grill to Grill  
 6 -12/13/93 Receipt  
 7 -Plat of Survey; 1528 Ingleside Ave  
 8 -"Rancher Originally Submitted" 6 sheets  
 9 -Cottage design - 5 sheets  
 10 -5916 Hilltop photo  
 11 -5914, 5916 Hilltop Ave photo  
 12 -5932 1/2 Sunset Ave photo  
 13 -1502, 1504 Dorchester photo  
 14 -5910, 5908 Hilltop photo  
 15 -5909, 5911 Hilltop photo  
 16 -5907, 5909, 5911 Franklin photo  
 17 -5910 Hilltop photo  
 18 -5918 Hilltop w/ "Pace Arrow" in

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF WARREN GRILL AND CAROLE  
GRILL, HUSBAND AND WIFE  
6220 Rolling View Drive  
Sykesville, Maryland 21784

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

\*  
\*  
\*  
\*  
\* CIVIL  
ACTION  
\* No. 95-CV-04581  
\* 7/111/136  
\*

IN THE CASE OF: IN THE MATTER OF  
WARREN GRILL, ET UX  
ZONING COMMISSIONER'S APPROVAL/  
BUILDING PERMIT APPLICATION FOR  
PROPERTY LOCATED ON WEST SIDE HILLTOP  
AVENUE, 125' WEST OF INGLESIDE AVENUE  
(5902 HILLTOP AVENUE)  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT  
CASE NO. CBA-94-163

\* \* \* \* \*

**PROCEEDINGS BEFORE THE OFFICE OF PERMITS  
AND DEVELOPMENT MANAGEMENT  
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes S. Diane Levero, constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against the Board in this case, herewith returns the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of Permits and Development Management and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND  
OFFICE OF PERMITS AND DEVELOPMENT MANAGEMENT  
OF BALTIMORE COUNTY**

CBA-94-163



August 6, 1993 Letter to A. Jablon /ZADM (presently known as PDM), from Carole Grill requesting approval of a Limited Exemption for a lot line revision.

August 27 Letter to C. Grill from D. Rascoe /ZADM, APPROVING Limited Exemption (for Division 2 only).

December 13 Undersized Lot Application Form filed by Carole L. Grill.

December 17 Notice that application was accepted for filing by ZADM and Certificate of Posting.

January 11, 1994 Letter to C. Grill from A. Jablon /ZADM, informing that pursuant to OPZ comments and recommendations, permit #B184576NR has been DENIED.

January 12 Memo to ZADM from F. Morsey /OPZ recommending APPROVAL of permit since change in architectural style of house.

January 12 Request for public hearing filed by Joseph L. Lotz and residents of Catonsville Gardens.

January 20 Letter to J. Lotz from Zoning Commissioner referring 1/12/94 letter to D. Swam /Permits & Licenses for review and response.

February 24 Hearing held before the Zoning Commissioner.

July 29 Order of Zoning Commissioner APPROVING building permit application.

August 29 Notice of Appeal filed by Joseph L. Lotz and the residents of Catonsville Gardens.

September 22 Entry of Appearance filed by Peter Max Zimmerman, People's Counsel.

January 26, 1995 Hearing held before the Board of Appeals.

February 10 Memorandum filed by C. Victor McFarland, Esquire, on behalf of Grill. (People's Counsel for Baltimore County verbally indicated no response to Memorandum will be submitted.)

February 15 Public Deliberation held by the Board; decision - two to one in favor of denying request.

CBA-94-163, Warren Grill, et ux  
File No. 111/136/95-CV-04581

4

- driveway  
 19 -5934 Hilltop photo  
 20 -5903 Hilltop lot, looking toward Hilltop photo  
 21 -1524 Ingleside rear yard photo from Hilltop Ave  
 22 -Plat of Survey, 1528 Ingleside Ave; showing proposed dwelling at 5902 Hilltop  
 23 -11/30/94 letter; Grill to Lotz

- People's Counsel Exhibit No. 1 -Attendance Sheet  
 2 -ADC Map p. 33  
 3 -Plat  
 4 -Deed 8/30/94  
 5 -Plat of Catonsville Gardens Subdivision  
 5A-Excerpt of People's Counsel Exh. #5  
 6 -Balto. Co. Memo; 12/29/93 Keller to Jablon  
 Appellant's Exhibit No. 1 -Photos and Drawing

July 28, 1995 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Board acted are permanent records of the originating agency in Baltimore County. Certified copies of these records in the Board's file are hereby forwarded to the Court, together with exhibits entered before the Board.

Respectfully submitted,

*Charlotte E. Radcliffe*

Charlotte E. Radcliffe, Legal Secretary  
 County Board of Appeals of Baltimore County, Room 49, Basement - Old Courthouse  
 400 Washington Avenue  
 Towson, MD 21204 (410) 887-3180

cc: C. Victor McFarland, Esquire  
 Mr. and Mrs. Warren Grill  
 Mr. Joseph L. Lotz, et al  
 People's Counsel for Baltimore County

- F BUST 6, 1993

HARRY BLACKBURN  
 c/o CAROLE GRILL  
 6220 ROWNING VIEW DRIVE  
 SYKESVILLE, MD 21784  
 (410) 795-2598 or (410) 549-1111

RE: 1528 INLETSIDE AVE. LOTS 51, 52, 57, 58, 59, 60 AND  
 PART OF LOTS 25 & 26

DEAR MR. FABRON,

TODAY I SPOKE TO SUE WIMBLEY ON BEHALF OF HARRY BLACKBURN. SUE WAS VERY HELPFUL TO ME AND RECOMMENDED THAT I WRITE THIS LETTER TO SEE IF YOU COULD APPROVE A LIMITED EXEMPTION UNDER 26-171 FOR A LOT LINE REVISION.

I AM TRYING TO GENERATE SOME CASH FLOW FOR NURSING CARE FOR MY 93 YEAR OLD UNCLE. HE PURCHASED THESE LOTS FOR INVESTMENT MANY YEARS AGO. SINCE THEN THE REQUIREMENTS FOR BUILDING LOTS HAVE CHANGED AND HE IS NOW SHORT OF THE 6000 SQ. FOOTAGE REQUIRED FOR A BUILDABLE LOT FOR D.R.S.S. AS YOU CAN SEE ON THE "PROPOSED" PLAT THAT I HAVE ENCLOSED, THE BACK PROPERTY LINE NEEDS TO BE MOVED BACK ABOUT 20 FT. THE NEW BACK PROPERTY LINE FOR LOTS 51 AND 52 WILL BE 10 FT FROM THE EXISTING GARAGE.

YOUR IMMEDIATE ATTENTION WOULD BE GREATLY APPRECIATED AS WE NEED TO HAVE AN ANSWER AS QUICKLY AS POSSIBLE. THANK-YOU.

SINCERELY,  
 Carole Hill

Harry H Blackburn

E219

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 27, 1993

Ms. Carole Grill  
6220 Rolling View Drive  
Sykesville, MD 21784

Subject: Limited Exemption Approval  
Harry Blackburn Property  
NW/s Ingleside Ave., E/s Hilltop Ave.  
1C2 - DRC No. 9233C

Dear Ms. Grill:

On August 23, 1993, the Development Review Committee reviewed the plan submitted on the above referenced project and determined it to be a Limited Exemption under Section 26-171(a) of the Baltimore County Development Regulations. This exempts your development from Division 2 of these regulations; however, compliance with Divisions 3, 4 and 5 is still required, as is compliance with all applicable zoning regulations.

Please be advised that additional requirements may need to be fulfilled prior to approval of a building permit. You may contact Environmental Impact Review of the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) at 887-2980 for details.

Accordingly, you may apply for a building permit with the Department of Permits and Licenses, in the County Office Building, Room 100, 111 West Chesapeake Avenue, Towson, MD. A copy of this Limited Exemption Approval letter should be presented when making application.

If you have any questions, please feel free to call me at 410-887-3353.

Respectfully,

A handwritten signature in cursive script that reads "Donald T. Rascoe".

Donald T. Rascoe, Manager  
Development Management

DTR:KAK:ggl

c: DEPRM/GWM - Att: Larry Pilson, Chief  
OPZ - Att: Carolyn Beatty - M.S. 3402  
BLACKBUR/TXTGGL



INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

B B184576 NR  
Permit Number

TO: Director, Office of Planning and Zoning  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

SYKESVILLE, MD 21784

CAROLE H. GRILL 6220 ROLLING VIEW DR. (410) 795-2598  
Print Name of Applicant Address Telephone Number

Lot Address 5902 HILLTOP AVENUE Election District 01 Council District 01 Square Foot 6004

Lot Location: NE S W (side) corner of HILLTOP AVE, 65 feet from NE S W corner of INGLESIDE AVENUE  
(street) (street)

Land Owner CAROLE & WARREN GRILL Tax Account Number 01-02-470253 Pt.

Address 6220 ROLLING VIEW DRIVE Telephone Number (410) 795-2598  
SYKESVILLE, MD 21784

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)  
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input checked="" type="checkbox"/> SEE B#	<input type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adjoining Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Residential Processing Fee Paid  
Codes 030 & 080 (\$80)

Accepted by [Signature]  
ZDM

Date 12/13/93

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

Approval  Disapproval  Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: \_\_\_\_\_  
for the Director, Office of Planning & Zoning

Date:

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

**B184576NR**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

**Carole and Warren Grill 5902 HILLTOP AVE**

The application for your proposed Building Permit Application has been accepted for filing by JLL on \_\_\_\_\_ Date (A)

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

\*SUGGESTED POSTING DATE 1-3-94 D (15 Days Before C)

DATE POSTED 12/17/93

HEARING REQUESTED-YES \_\_\_ NO \_\_\_ -DATE \_\_\_\_\_

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 1-18-94 C (B-3 Work Days)

TENTATIVE DECISION DATE 1-21-94 B (A + 30 Days)

\*Usually within 15 days of filing

CERTIFICATE OF POSTING

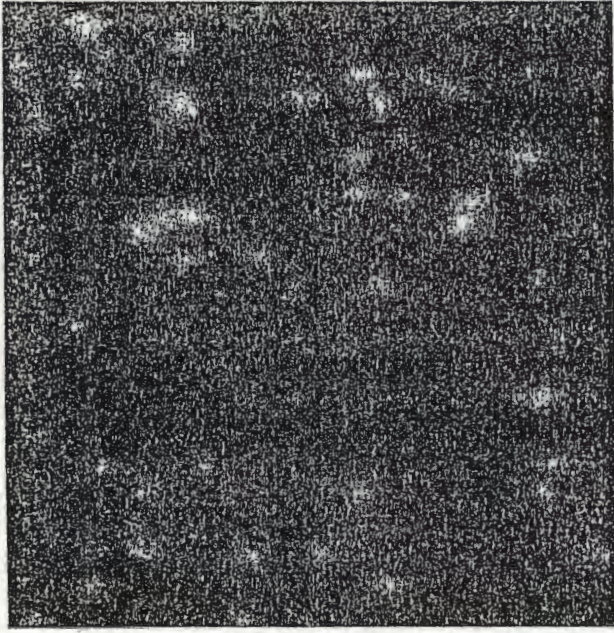
District 1st

Location of property: 5902 Hill Top Ave.

Posted by: [Signature] Date of Posting: 12/17/93  
Signature

Number of Signs: 1

CK/UNDER.LOT (TXTSOPH)



7 7500703



7 7500703



7 7500703



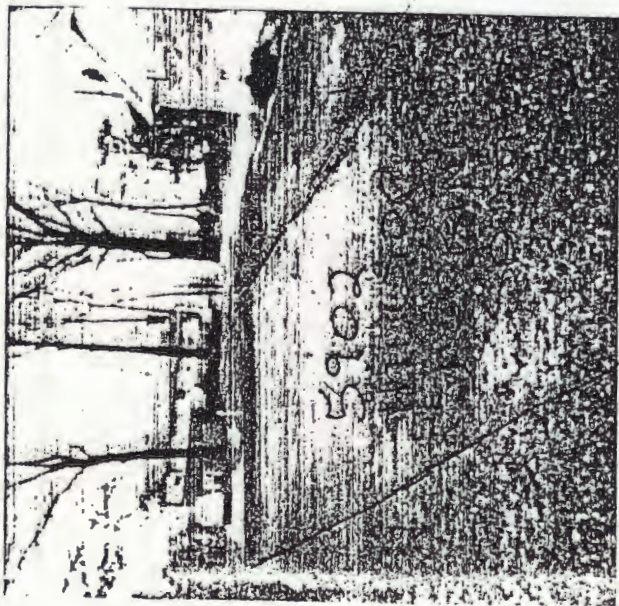
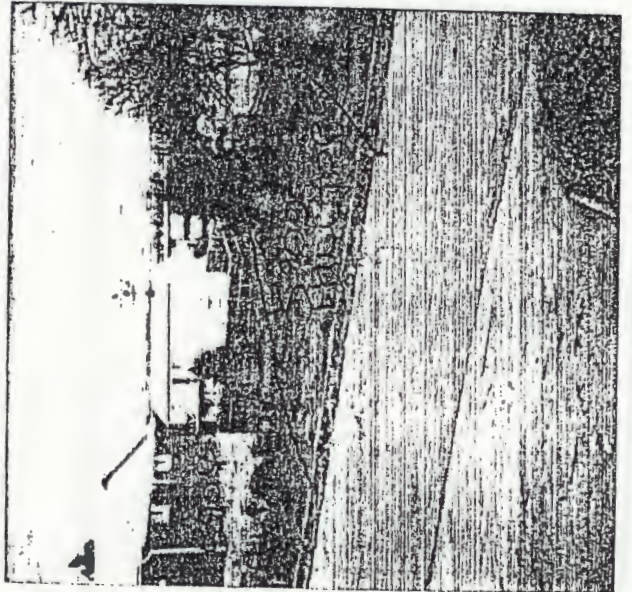
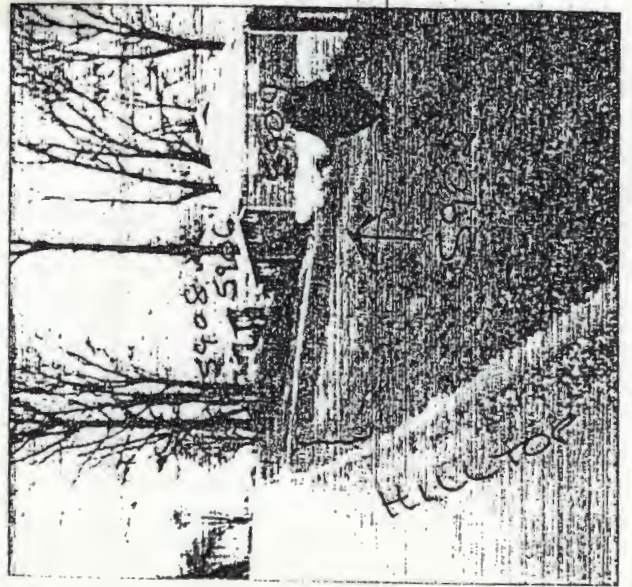
7 7500703



HULTON  
30 N BAY



HULTON  
30 N BAY

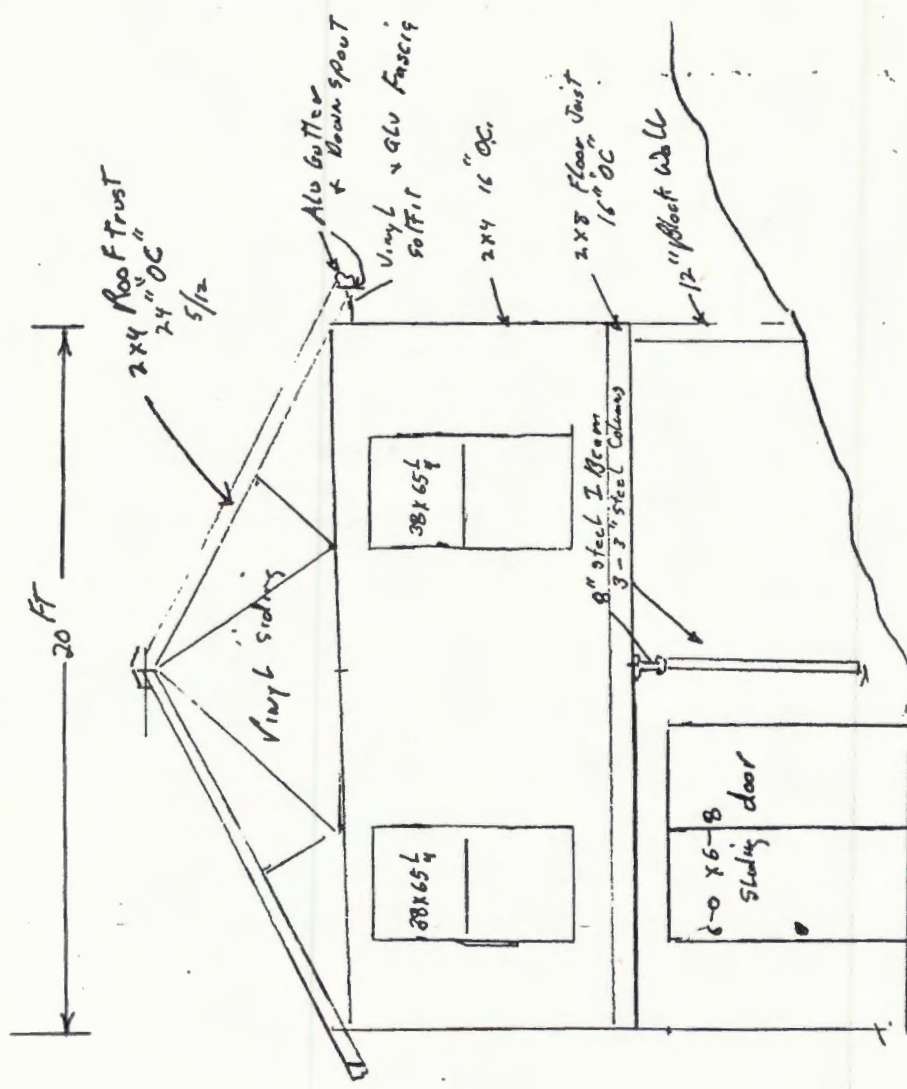


5902 HILLTOP

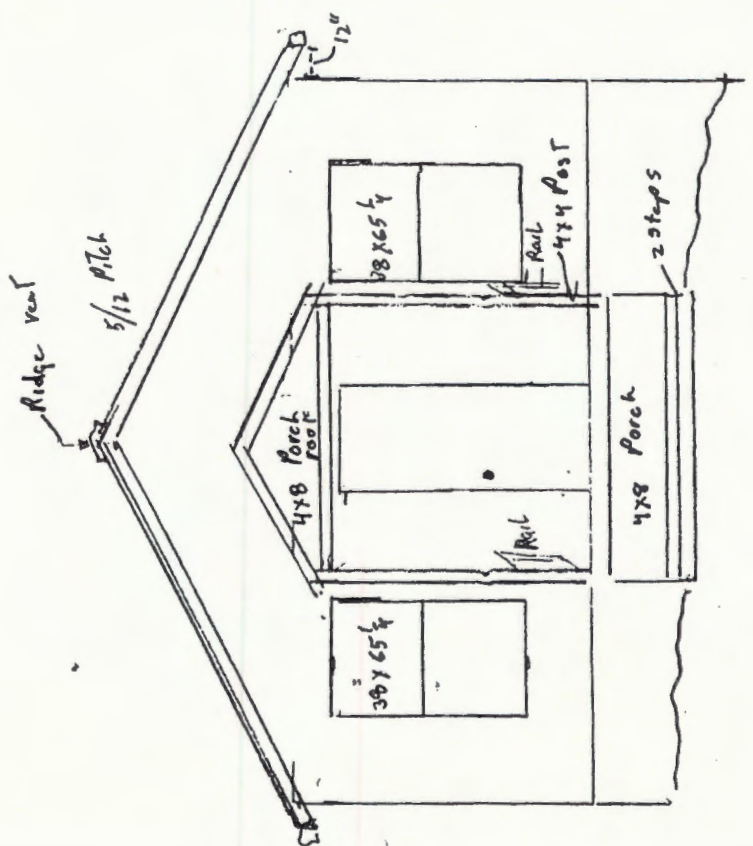




BACK

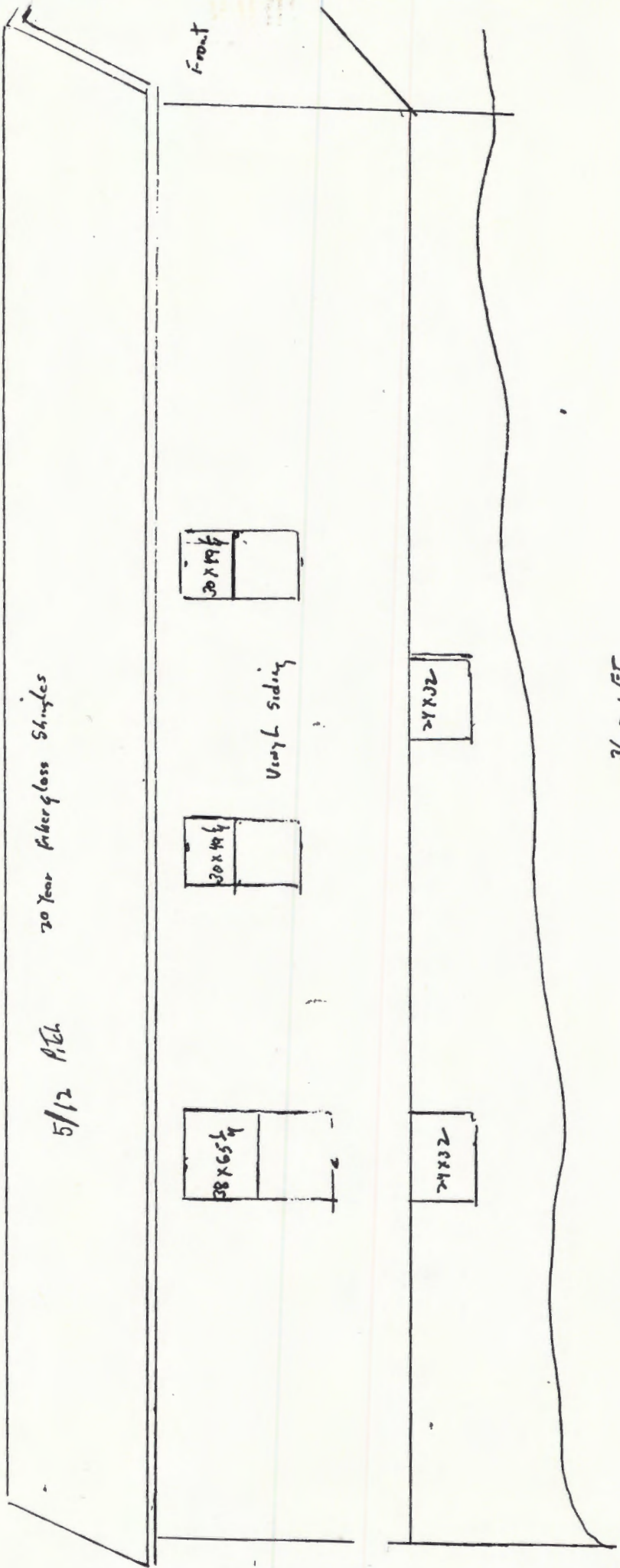


Front



3/16 = 1 FT

West side



20 Year Fiberglass Shingles

5/12 Pitch

Vinyl Siding

30x46

30x46

38x65 1/4

24x32

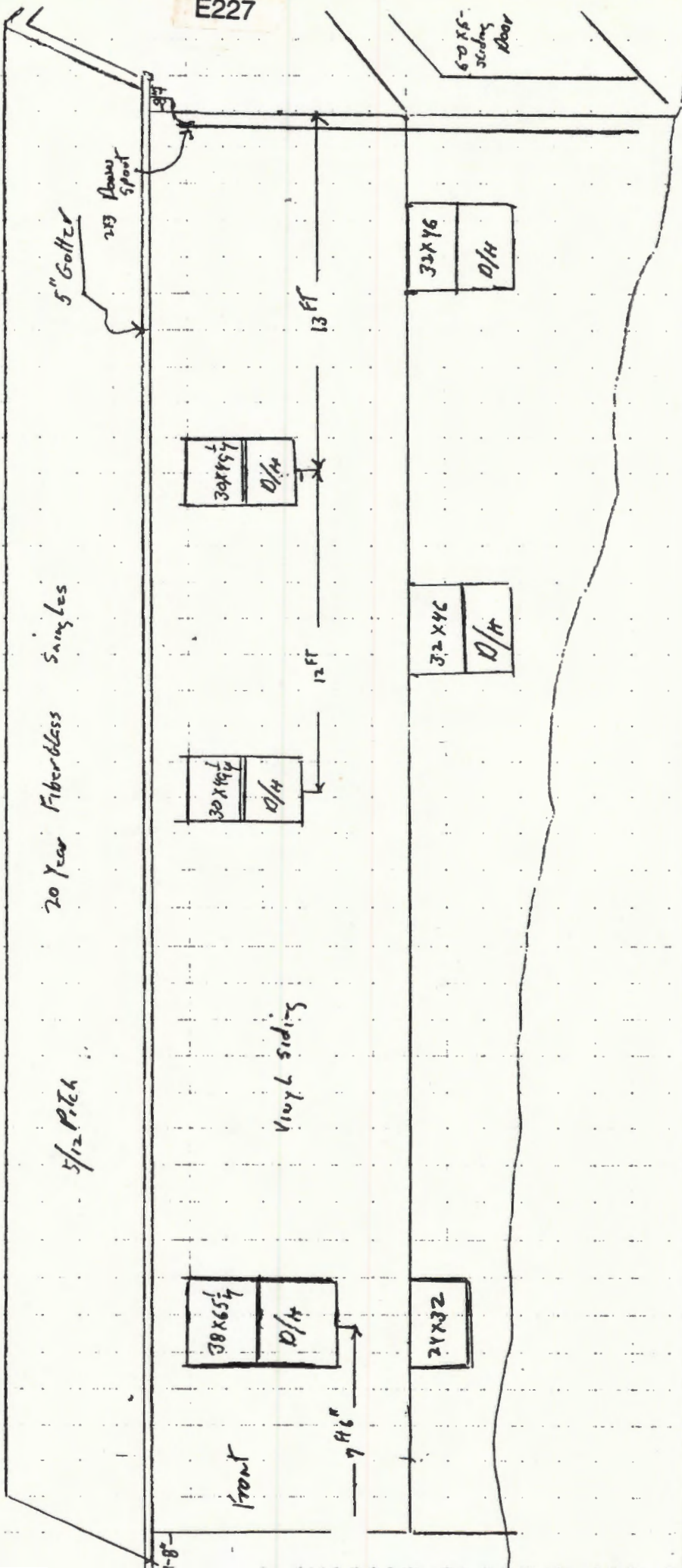
24x32

Front

3/16 = 1 FT

6'0" x 6'  
30' long  
door

East side



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY** 94-163  
Townson, Maryland

District 1st Date of Posting 11/28/94

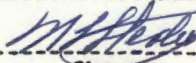
Posted for: Appeal

Petitioner: Warren Grith, et al

Location of property: 5902 Hill Top Ave, WPs

Location of Signs: Facing roadway on property being appealed

Remarks: \_\_\_\_\_

Posted by  Date of return: 12/2/94  
Signature

Number of Signs: 1



WARREN GRILL, ET UX  
W/s Hilltop Avenue, 125' W  
of Ingleside Avenue  
(5902 Hilltop Avenue)

#CBA-94-163

1st Election District

RE: BUILDING PERMIT APPLICATION APPROVAL BY ZONING COMMISSIONER

No. CBA-94-163

July 29, 1994

Order of Zoning Commissioner APPROVING building permit application.

January 28

Notice of Appeal filed by Michael P. Tanczyn, Esquire on behalf of Easter.

January 31

Notice of Appeal and Petition filed by Robert A. Hoffman, Esquire on behalf of Daniel Mills Limited Partnership.

February 4

Petition to accompany appeal filed by Michael P. Tanczyn, Esquire on behalf of Easter.

January 26, 1995

Hearing held before the Board of Appeals.

February 10

Memorandum filed by C. Victor McFarland, Esquire, on behalf of Grill. (People's Counsel for Baltimore County verbally indicated no response to Memorandum will be submitted.)

February 15

Public Deliberation held by Board -decision is two to one in favor of denying request.

April 28

Opinion and Order of the Board in which the decision of the Zoning Commissioner was REVERSED and that the building permit application was DENIED. (Dissenting Opinion by Mr. Schuetz)

May 26

Petition for Judicial Review filed in the CCT by C. Victor McFarland, Esquire, on behalf of Warren and Carole Grill. (copy rec'd 5/31/95).

June 2

Certificate of Notice sent to interested parties.

July 28

Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.

Jan. 17, 1996

Order of the CCT for Baltimore County; decision of CBA AFFIRMED (Christian M. Kahl, J.).

February 14, 1996

Order of Appeal to the Court of Special Appeals filed in Circuit Court by C. Victor McFarland, Counsel for Mr. & Mrs. Grill.

November 1, 1996

Opinion issued by the CSA; CCT judgment AFFIRMED (Fischer, Hollander, Bishop)

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 268

SEPTEMBER TERM, 1996

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WARREN GRILL, et ux.,

v.

PEOPLE'S COUNSEL FOR BALTIMORE  
COUNTY

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Fischer,  
Hollander,  
Bishop, (Ret.'d,  
Specially Assigned)  
JJ.

---

PER CURIAM

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Filed: November 1, 1996

#95CV04581



Warren and Carole Grill, appellants, attempted to obtain a building permit in order to construct a residential dwelling on an undersized lot in Baltimore County. Since the site does not meet the width requirement for the zone, appellants sought relief from that requirement, pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") § 304 (1987). Upon a challenge lodged by People's Counsel for Baltimore County, as well as Joseph Lotz, and Steve Nagy, appellees, the Circuit Court for Baltimore County upheld the decision of the Baltimore County Board of Appeals (the "Board") denying appellants' request for a building permit. Appellants now present the following issues for our review:

- I. Were the Appellants entitled to a building permit for Constitutional reasons?
- II. Did the Appellants correctly apply under Section 304 for a variance in order to obtain a building permit for the undersized lot?
- III. Did the transfer of the undersized lots created in 1918 into an undersized lot in 1993 create a new lot or did the transfer merge the undersized lots into a post-1955 undersized lot?
- IV. Is the proposed building appropriate in relation to the existing neighborhood?

For the reasons discussed below, we shall affirm the circuit court.

#### **Factual Background**

This dispute involves the parcel of land known as 5902 Hilltop Avenue, located in Catonsville Gardens, a subdivision recorded in Baltimore County in 1918, that consisted of 482 lots, most of which were 20 feet wide. The zoning classification is presently Density

Residential 5.5 (i.e., 5.5 units per acre). The current minimum lot width is 55 feet, and the minimum required area is 6000 square feet.

In 1927, Harry and Virginia Blackburn purchased lots 51 and 52,<sup>1</sup> which front on Hilltop, as well as lots 57, 58, 59, and 60, around the corner at 1528 Ingleside Avenue. The properties were acquired from two different owners, but were recorded in the same deed. Lots 51 and 52 are each 20 feet wide, while lots 57-60 are each 25 feet wide. The Blackburns constructed a house on lots 57-60, located at 1528 Ingleside Avenue. Thereafter, in 1943, they acquired the back portions of lots 25 and 26, which they used to add a garage to their property. As a result of this purchase, their land, which had previously been contiguous for only a few feet, then formed an L-shaped parcel.<sup>2</sup> A neighbor, Mr. Saunders, who once owned the corner lot between the two branches of the Blackburns' property, had permission to use the Hilltop lots (lots 51 and 52) as a vegetable garden, for which he provided vegetables to the Blackburns in return.

In 1945, Baltimore County established a comprehensive zoning scheme and, in 1955, it passed an ordinance to "grandfather" lots

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<sup>1</sup> Appellee Lotz owns lots 48-50, fronting on Hilltop Avenue, adjacent to lot 51.

<sup>2</sup> Specifically, the rear of lots 57-58 share a common boundary with the southeastern rear portion of lot 52. The rear portions of lots 25 and 26 back up to the rear of lots 51 and 52, and share a common boundary, on the side of lot 26, with the rear of lots 57-58.

that had become substandard as a result of the 1945 ordinance, allowing them to be developed under certain conditions. In 1970, the ordinance was amended to create density residential zoning, establishing, as we noted, the present minimum width requirements of 55 feet and minimum area requirements of 6,000 square feet. The ordinance was again amended in 1991 to add a "compatibility review" to the process, requiring a landowner who seeks a building permit to show that the proposed dwelling would be appropriate to the neighborhood.

On August 19, 1993, for the sum of \$70,000, the Grills purchased all of the Blackburn lots from Harry Blackburn, Carole Grill's uncle, who had become sole owner of the land after his wife's death. Before purchasing the property, Ms. Grill wrote a letter on behalf of Harry Blackburn, dated August 6, 1993, requesting a lot line revision to reconfigure the lots. On August 27, 1993, after the Grills had purchased the land from Blackburn, the Baltimore County Office of Zoning Administration approved a limited exemption allowing the Grills to redraw the lot lines.

Thereafter, on November 19, 1993, the Grills recorded the property in two separate deeds. In one deed, they aggregated lots 51 and 52 (on Hilltop Avenue) and part of the rear portions of lots 25 and 26,<sup>3</sup> exclusive of the garage, in order to satisfy the area

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<sup>3</sup> Lots 25 and 26 front on Franklin Avenue. The rear portions of those lots are located in the center of the block. Thus, after having been severed from the front portions, these portions do not front on any street.

requirement. The combined lots, however, were only 40 feet in width, and thus did not satisfy the current width requirement. According to appellants, Mr. Blackburn did not "own any lots that would have allowed him to increase the combined 40' width of the two lots 51 and 52. . . ." Thus, appellant's re-configured parcel remained 15 feet shy of the 55 foot width requirement. Lots 57-60, which contained the house, were aggregated with the portion of lots 25 and 26 that contained the garage. These lots satisfied current zoning requirements, and were described in the other deed.

On August 30, 1994, the Grills sold lots 57-60 and part of lots 25 and 26 to Joseph Hamilton for \$91,000. On December 13, 1993, they applied for a building permit for the newly configured undersized lot, by filing an application under B.C.Z.R. § 304. They did not apply, alternatively, for a variance.

The Zoning Commission held a hearing to determine if appellants complied with B.C.Z.R. § 304. In an order dated July 29, 1994, the zoning commissioner approved the application. Appellees appealed to the Board, which reversed the Zoning Commission's decision, stating:

The threshold issue for the Board to decide is whether the Property qualifies as an undersized lot pursuant to Section 304.1(A).

From the evidence, the Board concludes that the lot in question does not qualify. The subject lot was not "duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955" as required by Section 304.1(A). The basis for the Board's conclusion is that the lot in question was not duly recorded until November 19, 1993. The presence of old Catonsville Gardens subdivision Lots 51 and 52 and portion of Lots 25

and 26 within the Property does not in and of itself qualify the existing reconfigured lot as an undersized lot under Section 304.1(A).

The plain and ordinary meaning of the words found in Section 304.1(A) support the above conclusion. Section 304.1(A) starts with the words "such lot." The Board finds that "such lot" is the lot which was deeded to Petitioners in 1993.

Thereafter, appellants sought review in the circuit court, which affirmed the Board's decision. This appeal followed.

### Discussion

#### I.

In *Cromwell v. Ward*, 102 Md.App. 691, 709 (1995), we said:

'In reviewing the zoning authority's decision, the court must consider all of the evidence in the administrative record. The reviewing court's role, however, is confined to determining the legality of the procedure employed and whether the decision was fairly debatable in light of the evidence adduced before the zoning authority.'

(quoting *Red Roof Inns, Inc. v. People's Counsel*, 96 Md. App. 219, 224 (1993)). See also *Pub. Serv. Comm'n v. Balto. Gas & Elec. Co.*, 273 Md. 357, 362 (1974); *Dep't Econ. & Emp't Dev't v. Hager*, 96 Md. App. 362 (1993). On review, the circuit court must determine only whether the decision of the agency was in accordance with law. *Levy v. Seven Slade, Inc.* 234 Md. 145, 149 (1964); *Gray v. Anne Arundel Co.*, 73 Md. App. 301 (1987). The Board's decision is not lawful if it is arbitrary, illegal, or capricious. *Moseman v. County Council*, 99 Md. App. 258, 262, cert. denied, 335 Md. 229 (1994). As we said in *Mortimer v. Howard Research*, 83 Md. App. 432, 441 (1989) a decision is "not in accordance with law" when it is

arbitrary, illegal or capricious. In making a determination of whether the [agency] decision is arbitrary, illegal or capricious, the reviewing court must decide whether the question before the agency was fairly debatable. An issue is fairly debatable if reasonable persons could have reached a different conclusion on the evidence, and if so, a reviewing court may not substitute its judgment for that of the administrative agency. The fairly debatable test is analogous to the clearly erroneous standard under Rule 8-131(c) and a decision is fairly debatable if it is supported by substantial evidence on the record taken as a whole.

In reviewing the Board's decision, this Court must not engage in judicial fact-finding. *Anderson v. Dep't of Public Safety*, 330 Md. 187, 212 (1993); *Bd. of County Comm'rs v. Holbrook*, 314 Md. 210, 218 (1988). Nor may we supply factual findings that were not made by the Board. *Ocean Hideaway Condo. v. Boardwalk Plaza*, 68 Md. App. 650, 662 (1986). Moreover, this Court may not uphold the agency's decision "unless it is sustainable on the agency's findings and for the reasons stated by the agency." *United Parcel Serv., Inc.*, 336 Md. at 577 (quoting *United Steelworkers v. Beth. Steel*, 298 Md. 665 (1984)); see also *Harford v. Preston*, 322 Md. 493, 505 (1991).

Factual findings made by an agency are binding upon a reviewing court, so long as they are supported by substantial evidence. *United Parcel Serv.*, 336 Md. at 577; *Mortimer*, 83 Md. App. at 441; *Floyd v. County Council of P.G. Co.*, 55 Md. App. 246 (1983). Substantial evidence has been defined as more than a scintilla of evidence. *Montgomery Co. v. Gr. Colesville Ass'n*, 70 Md. App. 374, 382 (1987). Further, the inferences reasonably to be

drawn from the facts are also left to the Board. *Holbrook*, 314 Md. at 218 (citing *Snowden v. Mayor & C.C. of Balto.*, 224 Md. 443, 448 (1961)); see also *Moseman*, 99 Md. App. at 265. "'The Court may not substitute its judgment on the question whether the inference drawn is the right one or whether a different inference would be better supported. The test is reasonableness, not rightness.'" *Snowden*, 224 Md. at 448 (citations omitted). See also *People's Counsel v. Mangione*, 85 Md. App. 738, 751 (1991). An appellate court must "review the agency's decision in the light most favorable to the agency, since decisions of administrative agencies are prima facie correct and carry with them the presumption of validity." *Baltimore Lutheran High School Ass'n v. Employment Security Administration*, 302 Md. 649, 662-663 (1985).

In contrast to findings of fact, however, an agency's conclusions of law are not entitled to deference. On appeal, the reviewing court must determine whether the agency's decision constitutes an error of law. *Caucus Distributors, Inc. v. Md. Securities Comm'r*, 320 Md. 313, 324 (1990); *State Election Bd. v. Billhimer*, 314 Md. 46, 59 cert. denied, 490 U.S. 1007 (1988); *Washington Nat'l Arena v. Comptroller*, 308 Md. 370, 378-79 (1987); *Bd. of Educ. v. Paynter*, 303 Md. 22, 36 (1985); *Baltimore Lutheran*, 302 Md. at 663.

## II.

This appeal turns on the meaning of BCZR § 304, "Use of Undersized Single-Family Lots." It provides a two-step inquiry to

determine whether a building permit is appropriate under the section. The first part, §304.1, sets out the threshold test for eligibility as follows:

A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; [B.C.Z.R., 1955; Bill No. 47, 1992.]
- B. All other requirements of the height and area regulations are complied with [B.C.Z.R., 1955]; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. [B.C.Z.R., 1955; Bill No. 47, 1992.]

Only if the threshold requirements of B.C.Z.R. §304.1 have been met does the inquiry proceed to the "compatibility review" outlined in B.C.Z.R. §304.2, to determine the appropriateness of the proposed building in the neighborhood.

When appellants acquired the Blackburns' property, they were not content to maintain it as a single residential lot, as it had been used in the past. Rather, they divided the property, sold part of it, created one undersized lot, and now seek relief from their own action.

Appellants acknowledge that the combination of lots 51 and 52 and parts of lots 25 and 26 is undersized in width. They contend, however, that they cannot increase the size of the width because they lack adjacent land to do so. Nevertheless, they claim that



the reconfigured property almost conforms with current width and area requirements. They assert, further, that since the property once qualified for an exemption under B.C.Z.R. § 304, it remains eligible for the exemption, because the exemption "runs with the land."

The Board and the circuit court disagreed. They concluded that the November 19, 1993 deeds, which re-created the boundaries of the property, disqualified the property from eligibility for the exemption, because the property no longer satisfied either condition of eligibility of B.C.Z.R. § 304.1(A); the new lot was neither duly recorded by deed, nor duly recorded in a validly approved subdivision prior to March 30, 1955. In our view, the exemption in B.C.Z.R. 304.1(A) is not available to appellants. Therefore, the Board validly relied on the 1993 deeds to conclude, as a matter of law, that the Grills were ineligible for an exemption pursuant to B.C.Z.R. § 304.1(A).

Preliminarily, we note that appellees argue that, because Blackburn held the Hilltop property and the Ingleside property under single ownership, the two properties merged to form a single parcel for the purposes of B.C.Z.R. § 304.1. Further, they assert that when Blackburn later acquired portions of lots 25 and 26, these also merged into Blackburn's single property. They contend, therefore, on the basis of merger principles, that appellants were not entitled to the building permit for the undersized lot.

In appellees' view, when the Blackburns' parcels merged to

form a single, indivisible parcel, that parcel easily met the width and area requirements imposed in 1945. Thus, lots 51 and 52 would not qualify under B.C.Z.R. § 304.1, because the whole property, as a unit, satisfied the zoning requirements, and lots 51 and 52 were merely part of that property. In contrast, appellants contend that lots 51 and 52 merged only with the back portions of lots 25 and 26 in 1993.

Merger, in the context of land use, is the joining of contiguous parcels under common ownership, so that they are viewed as a single parcel for purposes of zoning regulations. 3 Ziegler, *Rathkopf's Law of Zoning and Planning*, §32.04, n.1 (1994). Section 304.1(C), as we have noted, permits erection of a dwelling on a substandard lot when "The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations." B.C.Z.R. § 304.1(C). See 3 Ziegler, *Rathkopf's Law of Zoning and Planning*, §32.04 & n.1 (1994). The cases appellees cite with respect to merger involve only side-by-side lots. In this case, however, the parcels formed an "L" shaped lot.

Zoning ordinance provisions often limit exemptions or grandfather clauses to lots of record that are in single or separate ownership. Either implicitly by such provisions or expressly by "merger" requirements in the ordinance itself, contiguous substandard lots under common ownership may lose their separate identity and be treated as a single parcel for purposes of zoning area and frontage requirements and subdivision restrictions. Merger provisions generally have been upheld against due process, equal protection, and taking claims. . . . Merger requirements may operate upon contiguous undeveloped lots or upon contiguous lots where one or

more of the lots are already developed.

In dealing with substandard lots . . . the point of reference is the effective date of the bylaw. The basic purpose of the ordinance provision establishing generally applicable minimum lot requirements has as its corollary the purpose to freeze and minimize substandard lots. If there is a merger provision in the ordinance, it is designed to result in a maximum number of standard lots from each separate tract of land in single ownership at the effective date of the ordinance. The number of separately described parcels which an owner or his predecessors in title may have acquired over the course of time to make up the entire tract is thus immaterial.

3 Ziegler, *Rathkopf's Law of Zoning and Planning*, § 32.04 (emphasis in original; footnotes omitted.)

Contiguity alone, however, has not always proved dispositive with respect to the concept of merger. "Cases in which the exemption and protection afforded lots [that do not meet minimum area requirements] have been held to apply have included lots [in single ownership] that are back-to-back (i.e., lots that have a common rear line) and "L" shaped lots (where the rear line of one is to the side of the other and each has frontage on different streets). . . . Lots contiguous for a distance of 105 feet, but related to each other in such a fashion as to form an L shape, have been held not to adjoin each other within the meaning of a provision exemption clause relating to ownership of "adjoining land." Rathkopf, *supra*, at §32.05 (citing *Blue Ridge Gardens, Inc. v. Oswald*, 44 A.D.2d 567, 353 N.Y.S.2d 55 (1974); see *Somol v. Board of Adjustment*, 277 N.J. Super. 220, 229, 649 A.2d 422, 426 (1994) (refusing to apply merger doctrine where lots are "not side to side of each other but are back to side and are not fronting on

the same street"); see also *Chirichello v. Zoning Bd. of Adj., Monmouth Park*, 78 N.J. 544, 397 A.2d 646 (1979) (declining to find merger where acquisition of lot directly behind subject lot did not increase frontage of subject lot).

As we see it, we need not determine whether the parcels merged when the Blackburns owned them. This is because the Board properly concluded that B.C.Z.R. § 304.1 was not applicable to the Grills, based on the deeds they acquired in November 1993.

Courts apply fundamental principles of statutory construction when construing ordinances. *Prince George's County v. Equitable Trust*, 44 Md. App. 272 (1979). A statute must be construed so as to "ascertain and carry out the intent of the legislature." *Montgomery County v. Buckman*, 333 Md. 516, 523 (1994); *Stapleford v. Hyatt*, 330 Md. 388, 400 (1993); *Taxiera v. Malkus*, 320 Md. 471, 480 (1990); *Jones v. State*, 311 Md. 398, 405 (1988). In considering the language of a statute, courts will give that language its natural and ordinary meaning. *Buckman*, 333 Md. at 523; *Harford County v. University of Maryland Medical System Corp.*, 318 Md. 525, 529 (1990); *NCR Corp. v. Comptroller of the Treasury*, 313 Md. 118 (1988). When a statute is unambiguous, the court need not look beyond the statute itself to identify the intent of the legislature. *Buckman*, 333 Md. at 523; *In re Criminal Investigation No. 1-162*, 307 Md. 674, 685 (1986); *Police Comm'r v. Dowling*, 281 Md. 412, 418 (1977). When a statute may reasonably be read to have more than one meaning, the court will look to both the literal

meaning of the ambiguous words and to their meaning in light of the context and purpose of the statute. *Allied Vending, Inc. v. Cite of Bowie*, 332 Md. 279 (1993).

Baltimore County enacted a comprehensive zoning scheme in 1945. Subsequently, in 1955, the County passed B.C.Z.R. § 304 to mitigate the harsh effect of the zoning scheme on some property owners, and to avoid constitutional takings violations. The County later added area and density provisions to its zoning scheme for the purpose of improving the health, safety and general welfare of its citizens.

B.C.Z.R. § 304 contemplates that a landowner is protected against the change in the zoning laws if either, or both, of two events has occurred: 1) the lot was recorded by deed prior to 1955 or 2) the lot was recorded as part of a validly approved subdivision recorded prior to 1955. Thus, the ordinance covers several possible situations. First, the provision would apply to unimproved lots owned by a developer who intended to build on the lots, and then sell them as improved properties. Second, the provision would cover vacant subdivision lots, so that a lot owner who bought the unimproved lot with the intention of building a house on the lot, but who had not yet constructed it, would be protected. In the latter circumstance, the buyer's lot would have been recorded as part of the subdivision recorded by the developer, but this would be superseded for purposes of B.C.Z.R. § 304.1(A) by the deed from the developer to the buyer. In this second scenario,

the deed recorded before 1955 would qualify the buyer under B.C.Z.R. § 304.1(A). Third, the provision might also apply if the land was never part of a subdivision. In such a situation, the only logical reading of the deed provision would be that it was intended to protect landowners who had recorded a deed prior to 1955. Such a reading would defeat the purpose of the zoning scheme.

Under appellant's reading of B.C.Z.R. § 304, it would apply both to those who owned a substandard lot prior to 1955 and to those to whom the pre-1955 owners sold the land subsequent to 1955. Such a reading would defeat the purpose of the zoning scheme.

The parties have not referred us to any Maryland case concerning undersized lots excepted under B.C.Z.R. § 304. We look, therefore, to other jurisdictions for guidance. In *in re Sofo*, 57 A.D.2d 841, 394 N.Y.S.2d 43 (1977), the Supreme Court of New York had occasion to interpret a provision similar to the provision at issue here. The Town of Yorktown increased its area requirements for a building permit from 5,000 to 10,000 square feet, and adopted a provision to "grandfather" current owners:

A permit may be issued for the erection of a building on a (substandard) lot or parcel for which a valid conveyance has been recorded or contract of sale has been signed and the conveyance recorded prior to August 19, 1958 \* \* \* provided that the owner of such lot or parcel does not own other lots or parcels contiguous thereto.

*Id.* at 842. In 1973 and 1974, potential builders bought five substandard lots and applied for building permits. When their

applications were denied, they applied for area variances.<sup>4</sup> In reversing the order granting the variances and the building permits, the court reasoned:

We agree with the board's interpretation of the above-quoted "grandfather clause", to wit, that only those who owned the parcels at the time they were rendered substandard by increased area requirements have the right to build on such parcels. Petitioners here, having bought their parcels at least 15 years after they became substandard, are not benefited by such clause."

*Id.* In further support of its holding, the court noted that "the petitioners purchased the parcels with presumptive knowledge of the zoning ordinance and, to that extent, created their own hardship."

*Id.* See also *Craig v. Zoning Board of Appeals*, 50 A.D.2d 887, 3377 N.Y.S. 2d 171 (1975) (Denying building permit to landowner, where ordinance created vested right in grantor to build on lot that

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<sup>4</sup> The provision at issue in the instant case is a special exception, rather than a variance, as defined in Maryland. The distinction has often been blurred, particularly because an application for a special exception is often combined with an application for a variance. The distinction has been explained as follows:

. . . [T]he variance and exception are designed to meet two entirely different needs. The variance contemplates a departure from the terms of the ordinance in order to preclude confiscation of property, while the exception contemplates a permitted use . . . [once] the prescribed conditions therefor are met."

*Cromwell v. Ward*, 102 Md.App. at 699-700. Moreover, "[m]atters relating to area issues are intended to be, and usually are, addressed as special exceptions." *Id.* at 699 n. 5. No cases have been found treating the relevant type of special exception in other jurisdictions. The cases discussed here referred to the ordinances at issue as variances. As the policy considerations are the same, the cases are instructive.

became substandard when area was up-zoned, but vested right did not transfer to grantee).

In *Hays v. Vanek*, 217 Ca. App. 3d 271, 266 Cal. Rptr. 856 (1989), the owner of a parcel of land who sought to develop it into a subdivision attempted to rely on a provision exempting him from compliance with more restrictive zoning requirements enacted after a prior owner had begun development of the subdivision. The court denied relief, reasoning that:

[t]he clear purpose of the so-called "grandfather" clause is to protect developers who have detrimentally relied on an earlier state of the law. That purpose is hardly served by allowing later purchasers of property which has never been sold in subdivided form to take advantage of an exemption. In such cases, the later purchaser placed no reliance on the prior state of the law. . . . In simple terms, the purpose of the statutory exemption does not support the conclusion that it runs with the land.

*Id.* at 289-290.

Zoning matters involve a balancing of the interests of all property owners in an area. In enacting B.C.Z.R. § 304, Baltimore County struck a balance between the expectancy interests of landowners who, in the 1940's and 1950's, had intended to build on land that was affected by the zoning scheme, and the long-term interests of the County in protecting against over-development and overcrowding. At a minimum, forty years later, purchasers of land in Catonsville Gardens made their purchase with constructive knowledge of the zoning scheme.

Appellants' challenge on constitutional grounds must also



fail. They did not argue in the circuit court that operation of B.C.Z.R. § 304.1 works an unconstitutional taking of their property without due process. Consistent with well-settled principles of appellate review, this issue is not preserved and we decline to address it. Md. Rule 8-131; *Wieland v. State*, 101 Md. App. 1 (1994); *C.S. Bowen Co. v. Maryland Nat'l Bank*, 36 Md. App. 26 (1977); *Washington Homes, Inc. v. Baggett*, 23 Md. App. 167 (1974).

**JUDGMENT AFFIRMED. COSTS  
TO BE PAID BY APPELLANTS.**

LAW OFFICES  
**McFARLAND & MASTERS**

1002 FREDERICK ROAD  
CATONSVILLE, MARYLAND 21228

C. VICTOR McFARLAND  
KENNETH H. MASTERS

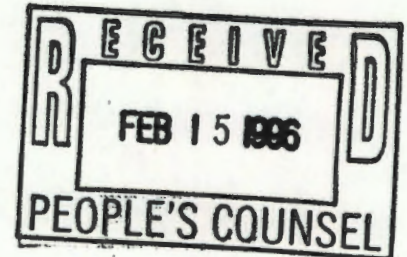
BRIAN V. McFARLAND

COPY

(410) 788-2300  
788-0311  
744-0931  
FAX 744-3423

February 14, 1996

Clerk of the Circuit Court for Baltimore County  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204



Re: Appeal to the Court of Special Appeals  
Petition of Warren Grill, et ux for Judicial Review  
Board of Appeals Case No. 94-163  
Case No. 111/136/95 CV 4581

Dear Mr. Clerk:

Enclosed is an Order of Appeal to be filed in the subject case together with advanced costs totaling \$110.00. The total includes \$60.00 for the Circuit Court and \$50.00 for the Court of Special Appeals.

If there are any other costs, please advise.

Very truly yours,

A handwritten signature in dark ink, appearing to be "C. Victor McFarland".

C. Victor McFarland

CVMcF:dt  
Enclosures

cc: Peter Max Zimmerman, Esquire ✓  
People's Counsel for Baltimore County  
Stanley J. Schapiro, Esquire  
County Attorney for Baltimore County  
Mr. and Mrs. Warren Grill

COPY

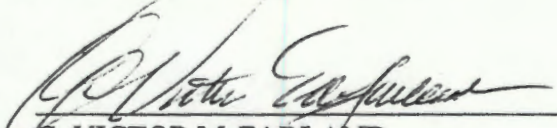
PETITION OF WARREN GRILL \* IN THE  
 AND CAROLE GRILL, HUSBAND \* CIRCUIT COURT  
 AND WIFE, FOR JUDICIAL \* FOR  
 REVIEW OF THE DECISION OF \* BALTIMORE COUNTY  
 COUNTY BOARD OF APPEALS OF \* Board of Appeals No. 94-163  
 BALTIMORE COUNTY \* Case No.: 111/136/95 CV 04581

\* \* \* \* \*

ORDER OF APPEAL

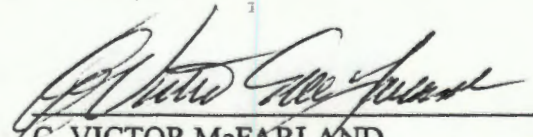
Dear Mr. Clerk:

Please enter an Appeal to Court of Special Appeals of Maryland from the Decision of the Circuit Court for Baltimore County, Honorable Christian M. Kahl, Judge, dated January 16, 1996 on behalf of the Appellants, Warren Grill and Carole Grill, husband and wife

  
 C. VICTOR McFARLAND  
 Attorney for Appellants  
 1002 Frederick Road  
 Catonsville, MD 21228  
 (410) 788-2300

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 14<sup>th</sup> day of February, 1996, a copy of the foregoing Order of Appeal was mailed by first class mail, postage prepaid, to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Old Court House, Room 47, 400 Washington Avenue, Towson, Maryland 21204.

  
 C. VICTOR McFARLAND

**PETITION OF WARREN GRILL : IN THE CIRCUIT COURT**  
**AND CAROLE GRILL, HIS WIFE : FOR BALTIMORE COUNTY**  
**FOR JUDICIAL REVIEW OF THE :**  
**DECISION OF THE COUNTY : 111/136/95CV4581**  
**BOARD OF APPEALS OF :**  
**BALTIMORE COUNTY : CBA CASE NO. 94-163**

RECEIVED  
COUNTY BOARD OF APPEALS  
96 JAN 19 PM 3:06

**OPINION OF THE COURT**

Warren and Carole Grill have petitioned for judicial review of the denial by the County Board of Appeals ("CBA") of their request for permission to build a dwelling upon an undersized plot of ground located in the 1918 recorded subdivision of Catonsville Gardens, in the First Election District of Baltimore County. Zoning Commissioner Lawrence Schmidt held a public hearing on the request for a permit after a number of other residents of the community protested the proposed construction, on February 24, 1994, and subsequently, by Order of July 29, 1994, approved the permit pursuant to Section 304 of the Baltimore County Zoning Regulations ("BCZR").

The Protestants, Joseph Lotz, James Hannon on behalf of the Catonsville Gardens community, and James Scrofo, appealed Mr. Schmidt's Order to the CBA, which in a divided decision filed in April of 1995, reversed. This triggered the Petitioners' seeking of judicial review.

Harry Blackburn, the great uncle of Mrs. Grill, acquired several lots in the subdivision in 1927. The lots which comprise most of the subject property of this case are Lots 51 and 52, each 20 feet wide and fronting on Hilltop Avenue. They were acquired by Blackburn along with Lots 57 through 60 at that time. Later, in 1943, Blackburn purchased the rear portions of Lots 25 and 26 which abutted the rear of Lots 51 and 52, as well as the rear of Lots 58, 59 and 60, and constructed a home on Lots 57-60. At some

11  
R#

**FILED JAN 17 1996**

**True Copy Test**  
CAMELLIA BECKFORD  
*CAMELLIA BECKFORD*

point a garage was also constructed, utilizing a portion of the rear of Lots 25 and 26. In 1993, Blackburn transferred title to all of these holdings to Petitioners. Some seven months later, Petitioners split off the lots containing the dwelling and garage and sold them. They also combined the remaining lots [51, 52 and parts of 25 and 26] into one parcel by separate deed. It is this parcel upon which they sought to build. It is 40 feet in width, fronting on Hilltop Avenue, with an irregular depth, including the appended portions of Lots 25 and 26, just sufficient to give the overall parcel an area of slightly more than 6000 square feet, so as to bring its area to the minimum required for a dwelling in the D.R.5.5 zone.

The CBA majority decided this case as a matter of law based upon its interpretation of Section 304.1A, under which it concluded that the parcel owned by Petitioners does not qualify as an undersized lot, pre-existing the BCZR. This interpretation is criticized by the dissenting member, who feels that strict adherence to the letter of that section is inconsistent with its intent, which he suggests is not to result in the invalidation of existing lots whose constraints (i.e., width) were in existence prior to 1955, but to allow for the lawful development of property.

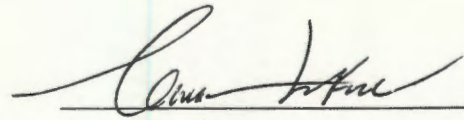
The majority finds, however, that the subject parcel was not "duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955" as required by Section 304.1A. It finds that the parcel was not "duly recorded" until November 19, 1993, and that although it includes within it old Catonsville Gardens subdivision Lots 51 and 52 and portions of Lots 25 and 26, that inclusion does not in and of itself qualify the existing reconfigured lot as an undersized lot under Section 304.1A. The majority goes on to say, "The plain and ordinary meaning of the words found in Section 304.1A support the above conclusion. Section 304.1A starts with the words 'such lot.' The Board finds that 'such lot' is the lot which was deeded to the Petitioners in 1993. The Board finds that the Property fails to satisfy the threshold test under Section 304.1A. Therefore, the remaining issues presented under Section 304 are deemed moot."

This Court adopts the reasoning and conclusions of the majority of the CBA as its

own, and will affirm the denial of the building permit for the proposed development of an undersized lot known as 5902 Hilltop Avenue.

The feasibility of award of an area variance under Section 307 of the BCZR is not before the Court, as it was not sought by Petitioners, but the Court does not share the view of the CBA that such an approach would be appropriate in view of the clear holding of Cromwell v. Ward, 102 Md. App. 691 (1995), that an area variance may not be awarded where the hardship or practical difficulty of the property owner is the product of his own manufacture. Unfortunately for them, these Petitioners seem to have painted themselves into a corner, the escape from which requires legislative, and not administrative or judicial, assistance.

The Opinion and Order of the CBA of April 28, 1995, in CBA Case No. 94-163, is hereby AFFIRMED.

 Jan 16, 1999

**CHRISTIAN M. KAHL**

**JUDGE**

cc: C. Victor Mc Farland, Esq.  
 Mr. and Mrs. Warren Grill  
 Mr. Joseph L. Lotz, et al  
 People's Counsel for Baltimore County  
 Charlotte E. Radcliffe, Secretary, CBA  
 Lawrence E. Schmidt, Zoning Commissioner

CIRCUIT COURT FOR BALTIMORE COUNTY

CIVIL CATEGORY JUDICIAL REVIEW 111/136/95cv4581

ATTORNEYS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY  
PETITION OF WARREN GRILL AND CAROLE GRILL  
HUSBAND AND WIFE

C. Victor McFarland  
1002 Frederick Road  
21228 788-2300

FOR JUDICIAL REVIEW OF THE DECISION OF THE  
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN THE CASE OF WARREN GRILL, ET UX.  
CBA CASE #94-163



Peter Max Zimmerman  
Old Court House, Rm.47  
400 Washington Avenue  
21204

CIVIL ASSIGNMENT

RECEIVED  
COUNTY BOARD OF APPEALS

95 JUN 19 PM 3:06

Transcript Box 318

11/18/96 P.E + order to board of Appeals

es(1) May 25, 1995 Petition of Warren Grill and Carole Grill  
for Judicial Review, fd. Copy sent to agency.

COSTS

jc (2) May 31, 1995 People's Counsel's Response to Petition for Judicial Review,  
fd.

CV GEN 95-45  
CV CLK 80.  
B LBRY 10.  
CKCHECK TL 90  
#33329 C002 R01 T.  
05/2

jh(3) June 16, 1995, Certificate Of Notice, fd.(rec'd 6/2/95)

CG (4) July 7, 1995 Joseph Lotz, Steve Nagy and James Hannon's  
response to petition for judicial review, fd.

\*df (5) Aug. 1, 1995 - Transcript of Record fd. (Filed 7/28/95).

\*df (6) Aug. 1, 1995 - Notice of Filing of Record fd. Copies Sent.  
(Filed 7/28/95).

df (7) SEP 6 1995 SCHEDULING ORDER rec'd 9/5/95 (BKH)

True Copy Test  
Carmela Bergard

df (8) Sept. 19, 1995 - Stipulation for Filing Memoranda fd. (Filed 9/12/95).

LG (9) Oct. 5, 1995 Appellants Warren Grill and Carroll Grill's Memorandum in  
in support of their Petition for Review, fd.(rec'd 10/2/95)

CG (10) Nov 15, 1995 Appellees' memorandum, fd. (rec 11/13/95)

Dec. 12, 1995. Hon. Christian M. Kahl, Hearing had. Held  
sub curia. Opinion and Order to be filed.

**CIRCUIT COURT FOR BALTIMORE COUNTY  
NOTICE OF CIVIL TRACK ASSIGNMENT AND  
SCHEDULING ORDER**

C. VICTOR MCFARLAND, ESQ.

COUNTY BOARD OF APPEALS

PETER MAX ZIMMERMAN, ESQ.

Assignment Date: 8/31/95

Case Name: GRUET VS. CO. BOARD OF APPEALS

Case No.: Nj 111/136 95 CV 4581

The above case has been assigned to an **EXPEDITED TRACK**. If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the voice/TDD M.D. Relay Service, 800-735-2258. Should you have any questions concerning your track assignment, please contact SANDRA SANDAS at (410) 887- 2660. You **must** notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

**SCHEDULING ORDER**

1. Motions to Dismiss under Md. Rule 2-322(b) are due by . . . . . 15 days
2. Plaintiff's Expert Reports or Md. Rule 2-402(e)(1)  
Disclosures are due by . . . . . XXX
3. Defendant's Expert Reports or Md. Rule 2-402(3)(1)  
Disclosures are due by . . . . . XXX
4. Discovery must be completed by . . . . . 50 days
5. All Motions (excluding Motions in Limine) are due by . . . . . 60 days
6. The Settlement Conference (District Court Jury Trial  
Prayers Only) is . . . . . 75 days
7. The TRIAL DATE is Appeal: 1 Hour, Tuesday, December 12, 1995, @ 9:30 a.m.  
(Note: This is a firm trial date. No subsequent notice will be forwarded to  
counsel/parties concerning this date.)

BARBARA KERR HOWE

Signature

**Postponement Policy:** No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponements must be submitted in writing with a copy to all counsel/parties involved. All requests for postponements of cases filed after October 1, 1994 must be approved by the Administrative Judge.

**Settlement Conference (Room 507):** All counsel and their clients **MUST** attend the settlement conference **in person**. All insurance representatives **MUST** attend this conference **in person** as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

**Court Costs:** All Court costs **MUST** be paid on the date of the settlement conference or trial.



PETITION OF: WARREN GRILL AND CAROLE GRILL

CIVIL ACTION # 95-CV-04581 /111/136

IN THE MATTER OF WARREN GRILL, ET UX

---

RECEIVED FROM THE COUNTY BOARD OF  
APPEALS CERTIFIED DOCUMENTS, EXHIBITS  
AND BOARD'S RECORD EXTRACT FILED IN  
THE ABOVE-ENTITLED CASE.

*P. Hall*  
Clerk's Office

Date: \_\_\_\_\_

7/28/95

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF WARREN GRILL AND CAROLE  
GRILL HUSBAND AND WIFE  
6225 Rolling View Drive  
Pikesville, Maryland 21784

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF  
WARREN GRILL, ET UX  
ZONING COMMISSIONER'S APPROVAL/  
BUILDING PERMIT APPLICATION FOR  
PROPERTY LOCATED ON WEST SIDE HILLTOP  
AVENUE, 125' WEST OF INGLESIDE AVENUE  
(5902 HILLTOP AVENUE)  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT  
CASE NO. CBA-94-163

CIVIL  
ACTION  
No. 95-CV-04581  
/111/136

RECEIVED AND FILED  
JUL 28 PM 3:19

PROCEEDINGS BEFORE THE OFFICE OF PERMITS  
AND DEVELOPMENT MANAGEMENT  
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes S. Diane Levero, constituting the  
of Appeals of Baltimore County, and in answer to  
Judicial Review directed against the Board in the  
returns the record of proceedings had in the above  
consisting of the following certified copies to  
file in the Office of Permits and Development  
Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD  
OFFICE OF PERMITS AND DEVELOPMENT  
OF BALTIMORE COUNTY

CBA-94-163

Janu

January

January 26

February 24

July 29

August 29

September 22

January 26, 1995

February 10

He

Memorandum  
Esquire  
Counsel

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

Inter-Office Correspondence

TO:           Arnold Jablon, Director           DATE:   June 14, 1995  
              Zoning Administrations and  
              Development Management

FROM:         Charlotte E. Radcliffe *cer*  
              County Board of Appeals

SUBJECT:      Certified Copies - Warren Grill, et ux  
              Case No. CBA-94-163  
              Petition for Judicial Review filed in Circuit Court

Please certify the attached documents (cover sheet only!) which originated from your office, and return entire packet to this office as soon as possible. The Board will, in turn, forward the certified set of documents to the Circuit Court along with the Board's file.

Thank you for your immediate attention to this matter.

Attachments

/cer

RECEIVED

JUN 15 1995

ZADM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

June 20, 1995

C. Victor McFarland, Esquire  
1002 Frederick Road  
Catonsville, MD 21228

RE: CBA-94-163 -Warren Grill, et ux

Dear Mr. McFarland:

We have received your check No. 2363 covering the cost of certified documents in the above-referenced case. Enclosed please find a copy of the cash receipt for your records.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Charlotte E. Radcliffe".

Charlotte E. Radcliffe  
Legal Secretary

Enclosure



LAW OFFICES

**McFARLAND & MASTERS**

1002 FREDERICK ROAD

CATONSVILLE, MARYLAND 21228

C. VICTOR MCFARLAND  
KENNETH H. MASTERS

BRIAN V. MCFARLAND

TELEPHONE  
(410) 788 - 2300  
744 - 0931  
788 - 0311  
FAX 744-3423

June 19, 1995

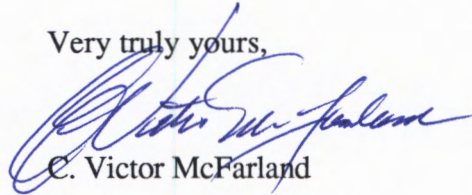
Baltimore County Board of Appeals  
Room 49 - Basement  
Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

Re: CBA-94-163  
Warren Grill, et ux.

Dear Sir/Madam:

Enclosed please find my check in the amount of \$51.00 made payable to the Board of Appeals to cover the cost of a certified copy of the Petition for Judicial Review in the subject case.

Very truly yours,



C. Victor McFarland

CVMcF:pb  
enc.

cc: Mr. & Mrs. Warren Grill

RECEIVED  
COUNTY BOARD OF APPEALS  
95 JUN 20 AM 11:38

95 JUN 20 AM 11:37  
COUNTY BOARD OF APPEALS  
CATONSVILLE, MD 21228



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

June 14, 1995

BILLED TO:

C. Victor McFarland, Esquire  
1002 Frederick Road  
Catonsville, MD 21228

\* Cost of certified documents in Case No. CBA-94-163.....\$51.00  
(Petition for Judicial Review filed in Circuit Court)

CBA-94-163  
Warren Grill, et ux  
W/s Hilltop Avenue, 125'  
W of Ingleside Avenue  
(5902 Hilltop Avenue)

MAKE CHECK PAYABLE TO: Baltimore County, Maryland

REMIT TO:

County Board of Appeals  
Room 49 - Basement  
Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

\* PLEASE NOTE THAT THESE COSTS ARE SEPARATE AND DISTINCT FROM ANY  
AMOUNT PAID BY YOU FOR THE TRANSCRIPT.



B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

Inter-Office Correspondence

**TO:** Arnold Jablon, Director                      **DATE:** June 14, 1995  
Zoning Administrations and  
Development Management

**FROM:** Charlotte E. Radcliffe *CR*  
County Board of Appeals

**SUBJECT:** Certified Copies - Warren Grill, et ux  
Case No. CBA-94-163  
Petition for Judicial Review filed in Circuit Court

Please certify the attached documents (cover sheet only!) which originated from your office, and return entire packet to this office as soon as possible. The Board will, in turn, forward the certified set of documents to the Circuit Court along with the Board's file.

Thank you for your immediate attention to this matter.

Attachments

/cer

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

WARREN GRILL AND CAROLE  
GRILL, AND WIFE  
6220 R<sup>2</sup>, Maryland 21784

OFFICIAL REVIEW OF THE DECISION OF  
COUNTY BOARD OF APPEALS  
BALTIMORE COUNTY  
49, Old Courthouse, 400 Washing-  
Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF  
WARREN GRILL, ET UX  
ZONING COMMISSIONER'S APPROVAL/  
BUILDING PERMIT APPLICATION FOR  
PROPERTY LOCATED ON WEST SIDE HILLTOP  
AVENUE, 125' WEST OF INGLESIDE AVENUE  
(5902 HILLTOP AVENUE)  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT  
CASE NO. CBA-94-163

CIVIL  
ACTION  
No. 95-CV-04581  
/111/136

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the  
Rules of Procedure, Judson H. Lipowitz and S. Dia  
constituting a majority of the County Board of Appeals  
County, have given notice by mail of the filing of the  
Judicial Review to the representative of every  
proceeding before it; namely, C. Victor McFarland  
Frederick Road, Catonsville, Maryland 21228  
Petitioners; Warren Grill and Carole Grill, 62  
Drive, Sykesville, Maryland 21784, Petitioner  
Lotz, et al, 5904 Hilltop Avenue, Baltimore, MD  
Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY  
Room 47, 400 Washington Avenue, Towson, Maryl  
hereto and prayed that it may be made a party

RECEIVED AND FILED  
95 JUN -2 AM 11:08

CLERK OF THE CIRCUIT COURT  
BALTIMORE COUNTY

*Charlotte E. Ray*  
Charlotte E. Ray  
Legal Secretary  
of Appeals, R  
Old Courthouse  
Towson, MD

Noted  
Frederick  
Petition  
Drive,  
Lotz, e  
Zimmerman  
Room 47  
2nd day





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

June 2, 1995

Peter Max Zimmerman  
People's Counsel  
for Baltimore County  
Room 47, Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: Civil Action No. 95-CV-04581  
WARREN GRILL, ET UX

Dear Mr. Zimmerman:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on May 26, 1995, in the Circuit Court for Baltimore County from the majority decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 111/136/95-CV-04581.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

Enclosure

cc: Mr. Joseph L. Lotz, et al  
Pat Keller /Planning  
Lawrence E. Schmidt /ZADM  
W. Carl Richards /ZADM  
Docket Clerk /ZADM  
Arnold Jablon /ZADM  
Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

June 2, 1995

C. Victor McFarland, Esquire  
1002 Frederick Road  
Catonsville, Maryland 21228

RE: Civil Action No. 95-CV-04581  
WARREN GRILL, ET UX

Dear Mr. McFarland:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

Enclosure

cc: Warren and Carole Grill



IN THE CIRCUIT COURT FOR BALTIMORE COUNTY  
PETITION OF WARREN GRILL AND CAROLE GRILL,  
HUSBAND AND WIFE  
6220 Rolling View Drive  
Sykesville, Maryland 21784

FOR JUDICIAL REVIEW OF THE DECISION OF THE  
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

IN THE CASE OF WARREN GRILL, ET UX.  
CBA CASE NO. 94-163

CIVIL  
ACTION  
NO. 111/136/95CW4581

: : : : : : : : : :

PETITION FOR JUDICIAL REVIEW

NOW COME the Petitioners, Warren Grill and Carole Grill, husband and wife, by their attorney, C. Victor McFarland, and request a judicial review of the adverse majority opinion of the County Board of Appeals of Baltimore County dated April 28, 1995 denying the Petitioners' application for a variance.

The Petitioners appeared, testified and were represented at the hearing before the Board of Appeals.

Warren Grill  
WARREN GRILL

Carole Grill  
CAROLE GRILL

C. Victor McFarland  
C. VICTOR McFARLAND  
Attorney for Petitioners  
1002 Frederick Road  
Catonsville, MD 21228  
788-2300

RECEIVED  
COUNTY BOARD OF APPEALS  
95 MAY 31 PM 3:56

I HEREBY CERTIFY that on this 25th day of May, 1995, a copy of this Petition for Judicial Review was mailed by first class, postage prepaid, to Peter Max Zimmerman, Esquire, People's Counsel, Old Court House, Room 47, 400 Washington Avenue, Towson, Maryland 21204, and County Board of Appeals for Baltimore County, Old Court House, Room 49, 400 Washington Avenue, Towson, Maryland 21204.

RECEIVED AND FILED

95 MAY 26 AM 11:13

CLERK OF THE CIRCUIT COURT  
BALTIMORE COUNTY

C. Victor McFarland  
C. VICTOR McFARLAND

COUNTY BOARD  
95 MAY 26 AM 11:48

LAW OFFICES  
**McFARLAND & MASTERS**  
1002 FREDERICK ROAD  
CATONSVILLE, MARYLAND 21228

TELEPHONE  
(410) 788 - 2300  
744 - 0831  
788 - 0311  
FAX 744-3423

May 25, 1995

C. VICTOR MCFARLAND  
KENNETH H. MASTERS  
BRM

**HAND DELIVERED**

Clerk of the Circuit Court  
for Baltimore County  
County Courts Building  
Towson, MD 21204

Re: Appeal from Decision of County Board  
of Appeals of Baltimore County

Dear Ms. Clerk:

Enclosed is the original and two copies of the Petition for Judicial Review to be filed in the  
subject case, together with a check for costs of \$90.00 and copies of the Petition for the Board of  
Appeals and People's Counsel.

Very truly yours,  
*C. Victor McFarland*  
C. Victor McFarland

FOR  
CO  
TO  
IN THE CASE  
CBA C

NOW COME the Petitioners,  
attorney, C. Victor McFarland, and  
County Board of Appeals of Baltimore  
County Board of Appeals of Baltimore  
application for a variance.

The Petitioners appeared, testified and  
als.

CVMcF:fj  
enc.  
cc:

✓ County Board of Appeals  
Peter Max Zimmerman, Esq.,  
People's Counsel  
Mr. and Mrs. Warren Grill

~~WARREN GRILL~~  
~~WARREN GRILL~~

C. VICTOR MCFARLAND  
Attorney  
1002 Frederick Road  
Catonsville, MD  
788-2300

BY CERTIFY that on this 25th day of May  
was mailed by first class, postage paid at  
Old Court House, Baltimore, Maryland

IN THE MATTER OF \*  
WARREN GRILL, ET UX - Petitioners \*  
WEST SIDE HILLTOP AVENUE, \*  
125' WEST OF INGLESIDE AVENUE \*  
(5902 HILLTOP AVENUE) \*  
1ST ELECTION DISTRICT \*  
1ST COUNCILMANIC DISTRICT \*  
  
RE: ZONING COMMISSIONER'S \*  
APPROVAL\BUILDING PERMIT \*  
APPLICATION \*

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
  
CASE NO: CBA-94-163

\* \* \* \* \*

OPINION

This case comes before the Board on appeal from the decision of the Zoning Commissioner dated July 29, 1994 approving a building permit application for the proposed development of an undersized lot known as 5902 Hilltop Avenue (the "Property"). The Zoning Commissioner, pursuant to Section 304.4 of the BCZR, determined that the proposed development of the subject undersized lot was appropriate and approved the proposed dwelling. On appeal, the Board must now review this matter de novo.

Section 304 governs the use of undersized single family lots. That Section provides a property owner with the right to construct a one-family detached or semi-detached dwelling on an undersized lot (i.e. a lot having a substandard area or width at the building line less than that required by the regulations), provided the property owner meets the requirements of a three-pronged test set forth therein. One, the property must be duly recorded, either by deed or a validly approved subdivision, prior to March 30, 1955, the date of the first adopted comprehensive zoning regulations of Baltimore County. Secondly, the Petitioners must demonstrate that all other requirements of the height and area regulations can be

met. Finally, the Petitioners must demonstrate that they do not own sufficient adjoining land to conform to the width and area requirements of the BCZR.

Petitioner, Warren G. Grill, and Mr. Russ D. Blackburn testified on behalf of the Petitioner. Mr. Joseph L. Lotz, Protestant, testified on his own behalf. Mr. James Hannon, Mr. Steve M. Nagy, Mr. Scott Shouffer and Community Planner, William Hughey, all testified during the presentation of the Protestants' case.

From the testimony and exhibits, the Board finds the following facts.

The Property is located in Catonsville Gardens, a subdivision granted in 1918. The Property consists of lots originally known as Lots 51 and 52 and portions of lots originally known as Lots 25 and 26. The Property is zoned D.R.5.5. The minimum lot width required in a D.R.5.5 zone is 55 feet. The front lot width of the Property along Hilltop Avenue is only 40 feet +/- . The depth of the Property is approximately 150 feet. The Petitioners first came into title of the Property by virtue of a Deed dated August 19, 1993 and recorded among the Land Records of Baltimore County in Liber 10077, folio 378. Other property was included in said Deed. On November 19, 1993, the Petitioners granted to themselves a new Deed separately describing the subject lot.

The Petitioners desire to construct a single family dwelling

on the subject lot. The Property has a substandard lot width under Section 304. Therefore, the Petitioners seek approval of the Property as an undersized lot pursuant to the requirements contained within Section 304 of the BCZR. The Petitioners have not requested a variance pursuant to Section 307 of the BCZR. The Petitioners argue that they comply with Section 304 and thus should be allowed to develop the Property by right.

The threshold issue for the Board to decide is whether the Property qualifies as an undersized lot pursuant to Section 304.1A.

From the evidence, the Board concludes that the lot in question does not qualify. The subject lot was not "duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955" as required by Section 304.1A. The basis for the Board's conclusion is that the lot in question was not duly recorded until November 19, 1993. The presence of old Catonsville Gardens subdivision Lots 51 and 52 and portions of Lots 25 and 26 within the Property does not in and of itself qualify the existing reconfigured lot as an undersized lot under Section 304.1A.

The plain and ordinary meaning of the words found in Section 304.1A support the above conclusion. Section 304.1A starts with the words "such lot." The Board finds that "such lot" is the lot which was deeded to the Petitioners in 1993. The Board finds that the Property fails to satisfy the threshold test under Section 304.1A. Therefore, the remaining issues presented under Section

304 are deemed moot.

The Petitioners may want to consider applying for a variance under Section 307. Although a Section 307 variance request is not presently before the Board, the Board acknowledges that strict compliance with the BCZR may unreasonably prevent the use of the Property or be unnecessarily burdensome.

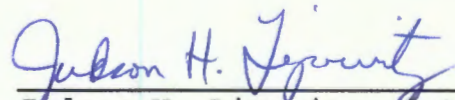
**ORDER**

For the reasons set out above, it is this 28th day of April, 1995, by the County Board of Appeals of Baltimore County,

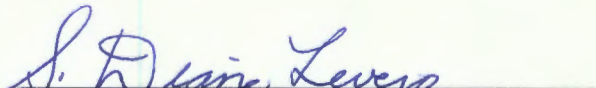
ORDERED that the decision of the Zoning Commissioner dated July 29, 1994 be and is hereby **REVERSED** and that the building permit application for the proposed development of an undersized lot known as 5902 Hilltop Avenue be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

**COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
\_\_\_\_\_

Judson H. Lipowitz, Acting Chairman

  
\_\_\_\_\_

S. Diane Levero



IN THE MATTER OF  
WARREN GRILL, ET UX -PETITIONERS  
WEST SIDE HILLTOP AVENUE, 125'  
WEST OF INGLESIDE AVENUE  
(5902 HILLTOP AVENUE)  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT

RE: ZONING COMMISSIONER'S APPROVAL \*  
/BUILDING PERMIT APPLICATION

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. CBA-94-163

\* \* \* \* \*

DISSENTING OPINION

This case centers around the application of Baltimore County Zoning Regulations (BCZR), Section 304 and/or Section 307. The subject property is part of a validly approved subdivision granted in 1918, known as Catonsville Gardens. The facts in the case are nearly altogether undisputed. The point on which this Board member dissents from the majority opinion is the application of Section 304.1A and C. However, this Board member is also compelled to discuss Section 307 as it relates to this case, if one is disposed to strictly adhere to the letter of Section 304.1A.

The subject property is before this Board under Section 304 because of the width of the property at the building line. The recorded lot having been recorded in 1993, it is urged by the majority that Section 304.1A invalidates the application of Section 304 for the purposes of this case. I contend that the lot in question having the substandard lot width at the building line is a condition which existed as of the date of the original subdivision. The current property owner, by changing the lot lines to the rear of the property so as to comply with the minimum area requirement of 6,000 sq. ft., was unable to meet any other requirements under Section 304.1C wherein the property owner, had

he owned adjoining property to either side of the subject property, could have complied and built as a matter of right. Therefore, it is my contention that the intent of Section 304.1A is not to result in the invalidation of existing lots whose constraints were in existence prior to the controlling date, 1955, but to allow for lawful development of property. My argument stems only from my recognition of the fact that the issue in this case is borne solely out of the lot width criteria.

Having taken that step, the next test under Section 304 is in Section 304.2A and B, subparagraphs 1, 2 and 3. Much was said by the Protestants about this case during the hearing, the inappropriateness of the proposed development. Photographs and other evidence concerning the surrounding properties lead me to believe that the subject site is a unique development opportunity which requires sensitive treatment of architectural features and site development. I cannot overlook my own background in architecture and urban theory in evaluating the subject proposal. My review consisted of a review of the facts. In addition, I created an elevation/street scape so as to gain understanding of the height, massing, bulk, major divisions or architectural rhythm of facades, proportions of openings such as windows and doors in relation to walls, roof design and treatment, and materials and colors, and other aspects of facade texture or appearance, as required under Section 304.2B.2. In understanding the site design under Section 304.2B.1, there was adequate evidence as required

Case No. CBA-94-163 Warren Grill, et ux /Dissenting Opinion

under 2A to do analysis of 2B.1 in site design criteria and find that the building line relative to adjoining properties is in fact a very responsive treatment of the building situation on the lot. Therefore, for my interpretation of 304.1 and 2, I believe the subject petition should have been granted.

Assuming that my position on 304.1A is incorrect, then the case centers around 307, wherein the Petitioner would be required to meet the tests under Section 307, Variances. I do not wish to express that I even question my own position on the interpretation of 304.1; I only wish to indicate that the tests under 307.1 have been easily met by the subject petition. Were this case the subject of variance, then this Petitioner would be granted said variance in my opinion. Section 304 is a section which recognizes prior actions by the County in its design criteria and the need to allow property owners with such lots affected by the prior acts of others in this County to pursue their development process. Strict reading of 304 still allows a property owner to do that. Therefore, one criteria under 307 which is particularly difficult for developers to prove is the intent of the proposed developer in meeting the spirit and intent of the zoning regulations. This is a case where the mere application of Section 304 points to the fact that the proposed development is in the spirit and intent of the BCZR. By virtue of the fact that the side lot lines existed as early as the original subdivision plat points to the, what I would call, automatic meeting of the density regulations, and other

Case No. CBA-94-163 Warren Grill, et ux /Dissenting Opinion

height, area, off-street parking, and sign regulations. As I see it, no matter how you slice it, this petition should have been granted under Section 304.1, or, in the strict, literal reading of 304.1A, the requirement to obtain a variance under Section 307.1, this variance should have been granted.

*Robert O. Schuetz*

Robert O. Schuetz, Member  
County Board of Appeals

DATE: 4/21/95



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

May 3, 1995

C. Victor McFarland, Esquire  
1002 Frederick Road  
Baltimore, MD 21228-5029

RE: Case No. CBA-94-163  
Warren Grill, et ux

Dear Mr. McFarland:

Enclosed please find a copy of the majority Opinion and Order of the Board issued this date in the subject matter. Also enclosed is a copy of Mr. Schuetz' dissenting opinion.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed and returned to ZADM.

Very truly yours,

*Kathleen E. Radcliffe for*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Mr. & Mrs. Warren Grill  
Mr. Joseph L. Lotz, et al  
Mr. James Hannon  
Mr. Robert Wiggins  
Ms. Margaret McCance  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM





**Baltimore County, Maryland**

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

RECEIVED  
COUNTY BOARD OF APPEALS

95 FEB 21 AM 8:29

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

February 17, 1995

Mr. Judson H. Lipowitz, Panel Chairman  
Board of Appeals of Baltimore County  
Room 49 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Re: Warren Grill, et ux., Petitioners  
Case No. CBA-94-163

Dear Chairman Lipowitz:

In reply to Mr. McFarland's February 15 letter, I do not recall any inadvertent factual error as to the ownership of the Catonsville Gardens lots, or the location of the group of lots purchased by Mr. Harry Blackburn fronting, respectively, on Hilltop and Ingleside Avenues, but not on the corner.

Moreover, I believe the CBA's observations, particularly by Panel Member S. Diane Levero, as to the "self-imposed hardship" were made with a full understanding of the history, location, and ownership of the lots in question.

I have further reviewed the CBA minutes, and find no reference to any such inadvertent error as Mr. McFarland suggests.

The record is closed; and it is respectfully suggested that there is no ground for reconsideration. Should there be any reconsideration, another public hearing would be required. But, as noted, this seems neither necessary nor appropriate.

Very truly yours,

Peter Max Zimmerman  
People's Counsel for Baltimore County

PMZ/caf

cc: C. Victor McFarland, Esquire

Mr. Joseph Lotz, 5904 Hilltop Avenue, Baltimore, MD 21207

LAW OFFICES

**McFARLAND & MASTERS**

1002 FREDERICK ROAD  
CATONSVILLE, MARYLAND 21228

C. VICTOR MCFARLAND  
KENNETH H. MASTERS  

---

BRIAN V. MCFARLAND

TELEPHONE  
(410) 788 - 2300  
744 - 0931  
788 - 0311  
FAX 744-3423

February 15, 1995

Judson H. Lipowitz, Esq., Panel Chairman  
County Board of Appeals  
400 Washington Avenue - Room 49  
Towson, MD 21204

Re: Warren Grill et ux., Petitioners  
Case No. CBA 94-163

Dear Mr. Chairman:

At the proceedings this morning in the Board's deliberation in the subject matter, I believe that a factual matter was inadvertently stated. This led to an indication that the situation was a "self imposed hardship" because Mr. Blackburn could have added to the width of the lot by transferring part of Lots 53, 54, 55 and 56 of Catonsville Gardens, thereby widening the undersized lot to 55' or more. The record will show, and I believe Mr. Zimmerman will agree, that Harry Blackburn never owned title to Lots 50, 53, 54, 55 and 56. The only lots he owned adjacent to the lots in question were Lots 25 and 26 and from these lots added to the rear of the subject lots to make them 6,000 sq. ft.

I did not mention this at the hearing because the Board was giving its view of the case and a preliminary view of what its opinion might be when final.

However, a misunderstanding of a fact should, in my view, be brought to the Board's attention, particularly when it is such a key factor. I hope the Board agrees.

Very truly yours,

  
C. Victor McFarland

CVMcF:j

cc: Robert O. Schuetz, Member, Board of Appeals  
S. Diane Levelo, Member, Board of Appeals  
Peter Max Zimmerman, Esq., People's Counsel  
Mr. and Mrs. Warren Grill

RECEIVED  
COUNTY BOARD OF APPEALS  
FEB 15 PM 4:04

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Warren Grill, et ux -Petitioners  
Case No. CBA-94-163

DATE : February 15, 1995 @ 9:30 a.m.

BOARD /PANEL : Judson H. Lipowitz (JHL)  
Robert O. Schuetz (ROS)  
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer  
Administrative Assistant

Counsel for Petitioner -C. Victor McFarland, Esquire  
People's Counsel for Baltimore County -Peter Max Zimmerman

PURPOSE --to deliberate issues and matter of Case No. CBA-94-163 as presented to the Board; testimony and evidence taken January 26, 1995. Opinion and Order to be issued by Board setting forth written findings of fact.

JHL: Opening comments, including name and number of case.

ROS: Began by making general statement regarding public deliberation and extent to which some people are made angry by what is said; unusual procedure for average person to understand; consider position of being on jury and then having to discuss case in presence of all interested parties.

Has been considering this particular case for about two weeks; People's Counsel raised important issues regarding application of 304 and 307; 304 in use of undersized lot and 307 being that part of zoning regulations which discusses variances; and issue of intent of 304 versus issue of technical reading of 304; and how that might invoke need to go to 307; prepared to talk about all of that; prepared to talk about architectural issues as well. First, intent of 304.1A. First of all, number of lots throughout the County created prior to 1955; whole idea behind 304 is to insure that lots created were meant to be considered usable. In this particular case, property to rear, which is on Ingleside Avenue, has no effect on width criteria not being met; hence issue of whether or not there is sufficient width on this particular property to build is not impacted by the sale of property along Ingleside Avenue; that part of 304 governing this part of the test is met because, in my opinion, those lot lines were established prior to 1955. In this particular case, all that was done in



fact was increase depth of property; looking at chain of title where certain lots were bought and sold, the lots in question, 51 and 52 under old original subdivision, are still same lots being developed; just have more backyard; regarding intent, there is unique issue of 304.1A; one might argue that "A" is not met due to addition of small parcel, with recording of new lot shape; one could argue this lot does not meet strict

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF WARREN GRILL AND CAROLE  
GRILL, HUSBAND AND WIFE  
6220 Rolling View Drive  
Sykesville, Maryland 21784

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF  
WARREN GRILL, ET UX  
ZONING COMMISSIONER'S APPROVAL/  
BUILDING PERMIT APPLICATION FOR  
PROPERTY LOCATED ON WEST SIDE HILLTOP  
AVENUE, 125' WEST OF INGLESIDE AVENUE  
(5902 HILLTOP AVENUE)  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT  
CASE NO. CBA-94-163

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\* CIVIL  
ACTION  
\* No. 95-CV-04581  
\* /111/136  
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CLERK OF THE CIRCUIT COURT  
BALTIMORE COUNTY

\* \* \* \* \*

PROCEEDINGS BEFORE THE OFFICE OF PERMITS  
AND DEVELOPMENT MANAGEMENT  
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes S. Diane Levero, constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against the Board in this case, herewith returns the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on

the Office of Permits and Development Management and the

there is much more massive building across street /on diagonal; showed up on corner of photograph; able to find there is building with much more mass. Regarding rhythm, almost obvious that gable is most appropriate for site /looking at another house 4 lots down; setback is issue where property owner attempted to be sensitive to adjoining property owner's setback and view to Ingleside Avenue, etc. Aligning that particular house with other house on Ingleside Avenue; appropriate step to take; most frequently done where first house not on corner is one which is responding to architectural character of corner house; by setting it back, is obviously responding to those same conditions which exist on Ingleside Avenue rather than having that house sitting out closer to Ingleside Avenue and in more plain view than adjoining house.

For all these reasons, believe owner meets criteria of 304.2A and B1, 2 and 3; design amendments were done in deference to concerns of surrounding community; neighbors should be grateful owner went this route rather than impose will on site; for all those reasons, believes petition should be granted.

**JHL:** Regarding Section 304.2B, appropriateness of proposed new building, listened to Rob and respect fact that he is architect, and believes all reasons given are good reasons, and without belaboring point, appropriateness issue has been satisfied by Petitioner. However, has problems with 304.1A, B and C; particularly with A and C: "A" being the question of whether or not this was lot that was duly recorded either by deed or validly approved subdivision prior to 1955 and "C" being whether owner of lot owns sufficient adjoining land; like to address 304.1C first. Current owners of property by deed are Grills; thinking in terms of how Board is going to write opinion, and opinion needs to make findings of fact; must make conclusions of law based on those facts; owner under this regulation is not a snapshot taken day of hearing; not within spirit and intent of zoning regulations; have to look at this lot and ownership of lot over time; particularly in this case where snapshot is needed on March 30, 1955; in regard to "C", need to decide if owner of lot had sufficient adjoining land, the owner would have to be the Blackburns and successors, including the Grills; Blackburns for 65 years, give or take, would have sufficient adjoining land to conform with area requirements, particularly width requirements; by virtue of conveyances, owner, particularly successors, the Grills, now no longer have that adjoining land; believes that is, for lack of better term, self-imposed. Having big problem with that; in regard to "A", one argument is that land of lot

51 and 52 and having combined width at the rear of 25 and 26, land in question here today has been part of a validly approved subdivision since well before 1955; was since 1927 and 1943 at the latest; there in 1918. But either way, it was all before 1955. But we're not talking about land; this ordinance or zoning regulation speaks to a one family type dwelling erected on a lot; refers to such a lot. Lot we have before us today does not constitute a lot approved before 1955; will expound upon these findings of fact in written opinion; would be difficult for us to grant this request; 304.1B has been met that all other requirements have been complied with; but not saying that once opinion has been written, that if there is something in there that would convince me that A and C are met, I would not change my mind; but at this point, I'm inclined to deny request; 304.2A and B become moot and argument about need for variance under 307 becomes moot.

**SDL:** At hearing heard from three different people; first, Petitioner who contended he should not be deprived of use of property; house would be compatible in style and value; meets compatibility requirements. Protestants and residents argued that house was not compatible with existing homes; would overcrowd land and lower property values; People's Counsel, Peter Zimmerman, argued that case hinges on legal issue of whether it meets requirements of 304.1; contended that when Grills learned they could not meet square footage, decided to rearrange lot lines and add to property; took them out of compliance with 304.1; once added on in 1993, created new lots; no longer had lots existing prior to 1955; no longer met front foot requirements; intent of 304.1 was to prevent hardship in cases where property owner owned undersized lots prior to zoning regulations; was not case with this property which originally consisted of lots on Hilltop and Ingleside owned by Blackburn, lots that were purchased in entirety by Petitioner in 1993; house existed for many years on these lots; sold by Petitioner; had legitimate use of property; People's Counsel argues that 304.1 is to allow legitimate use of undersized property, not to split it up. This is unfortunate, but rights and concerns of neighbors must be taken into account; believes concerns about overcrowding and lowering of property values are legitimate; does not meet requirements of 304.1; created after 1955; would deny building application for undersized lot.

**ROS:** One point regarding intent of 304.1; does not believe intent was to preserve intent of property owners in 1955.

**SDL:** Meant prior to adoption of zoning regulations.

Deliberation /Warren Grill, et ux /CBA-94-163

- ROS: This bill was enacted in 1992; again recognizing that there are lots out there that are buildable; not persuaded that anyone's value or overcrowding of land is being impacted here at all; meeting all setback requirements; all they are doing is turning house in direction which enables them to meet criteria; not crowding land. Not persuaded by argument. Indicated that belief is that intent of 304.1A is to enable those lots which are in existence prior to 1955 /already subdivided; not exceeding density; really looking at technical issue of whether or not should go to 307 or 304; had testimony from Petitioner that indicated were following directions of County employees; have no County employees testimony, but uncontradicted; fundamental fairness in being able to rely on advice of County officials; very clear case where Petitioner has been pushed into situation by virtue of desire to meet wishes and desires of County officials; will not be swayed; at this point, will have to dissent from majority, if, in fact, that is majority.
- SDL: Intent is important; to allow reasonable use of property; in this case, Petitioner had reasonable use of property; had home built on it and sold home, and tried to get second home on it. Does not think compatibility issue is necessary after saying that; that issue becomes moot.
- JHL: 304 was enacted in 1992; but had to do with compatibility review of lots which qualified and in order to qualify, has to be lot of record in 1955; so believe intent of law still goes back to 1955 time frame; was there a lot of record in 1955? If convinced that this lot was a lot of record prior to that date, might have different opinion on that subsection.
- ROS: Believe it was a lot of record in 1955; all that Petitioner has done is to change ownership of portion of one lot versus another; property was owned by same person at one time; approved subdivision; had that owner decided not to make that a garden, could have built on it during that time.
- SDL: Would have been grandfathered.
- ROS: House would be there; intent of subdivision and reading of 304.1 /what type of density were they looking for; density has not changed; nothing has changed; not increasing density; meets density guidelines; existence of those other lots being that one person and being conveyed to oneself to meet square footage does not push them into 307; width of that lot has been there since 1955; constraining factor is the width.
- JHL: What was of record in 1955; ROS is saying that width of lot has not changed; depth changed as a matter of record only, but

Deliberation /Warren Grill, et ux /CBA-94-163

in fact owner of lot did not change.

ROS: At what point does property owner rely upon officials when applying for building permit?

JHL: Has concern. In all fairness to everyone, Board must be decisive; decision is two to one in favor of denying the request under 304. Written Opinion and Order will be prepared and signed by the majority; dissenting opinion to be written by Mr. Schuetz. Any Petition for Judicial Review must be filed within 30 days from date of written Order and not from today's date.

Respectfully submitted,



Kathleen C. Weidenhammer  
Administrative Assistant

LAW OFFICES

**McFARLAND & MASTERS**

1002 FREDERICK ROAD  
CATONSVILLE, MARYLAND 21228

C. VICTOR MCFARLAND  
KENNETH H. MASTERS  
BRIAN V. MCFARLAND

TELEPHONE  
(410) 788 - 2300  
744 - 0931  
788 - 0931  
FAX 744-2443

COUNTY BOARD OF APPEALS  
FEB 10 PM 12:53

February 7, 1995

Mr. Judson H. Lipowitz, Panel Chairman  
County Board of Appeals  
400 Washington Avenue - Room 49  
Towson, MD 21204

Re: Case No. CBA 94-163

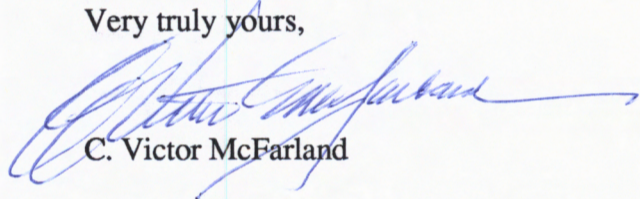
Dear Mr. Chairman:

Enclosed is a memorandum and two copies filed on behalf of the Petitioners-Appellees in the subject case. After the hearing, I felt the matters set forth in the enclosed memorandum should be brought to the Board's attention.

Before the hearing, I thought that Section 304 was the normal routes taken by undersized lots. I was surprised to find out that this is the first time Section 304 was used rather than Section 307.

I believe that the use of (B.C.Z.R.) 304 was proper in this case and should have been used in previously undersized lot cases.

Very truly yours,



C. Victor McFarland

CVMcF:fj  
enc.

cc: Peter Max Zimmerman, Esquire,  
People's Counsel  
Mr. and Mrs. Warren Grill

WARREN GRILL, et ux.

Petitioners

\*

\*

\*

\* \* \* \* \*

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY, MD

Case No. CBA 94-163

MEMORANDUM

The Petitioners, by their attorney, C. Victor McFarland, respectfully present the following memorandum in the subject case.

This case arose when the Petitioners came to Baltimore County to get the necessary permits to allow them to build a house on two lots with a combined width of 40 feet in lieu of the required minimum width of 55 feet. The two lots involved in this case were created on a 1918 subdivision plat called Catonsville Gardens recorded among the Land Records of Baltimore County in plat book 6, folio 157. Upon the advice of the Office of Planning and Zoning, the Petitioners conveyed the rear most 20 feet of lots 25 and 26 of the same subdivision to create a lot with the minimum 6,000 square feet allowed under Bill 100.

The Petitioners do not own the adjacent lots to the subject property which would enable them to increase the width of those lots.

Thus, this case involves an undersized lot and upon the advice of the Office of Planning and Zoning proceeded under Section 304 of the Zoning Regulations. We were advised by People's Counsel that this was the first undersized lot proceeding under Section 304 rather than Section 307-Variances.

The Petitioners believe the Office of Planning and Zoning was correct in the procedural advice given the Petitioners.

Both Sections 304, et seq. and 307 were enacted when the zoning regulations were created to grant relief from situations that would create hardships and problems known and unknown to the County Commissioners at that time.

95 FEB 10 PM 12:54

COUNTY BOARD OF APPEALS

Both sections apply to area regulations. Section 304 requires that all "...requirements of the height and area regulations are complied with;..." Section 307 allows "...the power to grant variances from height and area regulations,..."

However, even though it is obvious that the same power is granted in both statutes, there is no conflict in the application of these two statutes. Section 304 is to apply to undersized lots and Section 307 is to apply to all other variances. In other words, if a Petition is for anything other than an undersized lot 307 would apply.

However, the proof required under these two sections differ greatly. In Section 304, the Office of Planning and Zoning must "...determine appropriateness of the proposed new building in relation to existing structures in the neighborhood." Emphasis supplied. The word "appropriate" is used four times in that statute leaving no doubt that it is the yardstick to be used.

The yardstick set forth in Section 307 is the requirement of the zoning regulation height and area requirements do not "...result in practical difficulty or unreasonable hardship" .....  
..."Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety and general welfare." Emphasis supplied

Section 304 makes no reference to "public health, safety and general welfare".

At the hearing in this case before the County Board of Appeals, the term "compatible with the neighborhood" or variations thereof were used. However, the term applicable to this case is "appropriateness" and is defined in Webster's New Collegiate Dictionary, 1958 Edition, as "Belonging peculiarly; specially suitable; fit; proper; as, words *appropriate* to the theme." Compatible is defined as "1. Capable of coexisting in harmony;..." and is, therefore, a more stringent requirement. Appropriateness is more flexible.



Both Sections 304 and 307 are part of "Area Variances" and generally apply to area, height, density, setback or sideline restrictions. Anderson v. Board of Appeals, Town of Chesapeake Beach, 1974, 322 A.2d 220, 22 Md.App. 28.

The problem created by this case was the application of the new zoning regulations in 1955 to lots that had only been subject to real estate market forces, customs and usage. The purpose was expressed in the enactment of Section 304 is to allow the development of those lots with minimal requirements if the owners could not make regular lots by use of the owner's other property adjacent to the undersized lot.

The Protestants' complaints are the same as those that would apply to a house built on regular sized lots that might not be appropriate to the neighborhood (i.e. parking, traffic safety, value of their property, water runoff, etc.). Economics dictate that you can only build on an undersized lot and what the market will bear. It is evident that some of the neighbors do not want any house built on the subject lots.

It must be pointed out that, although this case is to be tried "de novo", the Zoning Commissioner visited the property and community and found that the proposed building to be "appropriate". He is a fact witness.

"A variance is designed as an escape hatch from the literal terms of the ordinance which, if strictly applied, would deny a property owner all beneficial use of his land and thus amount to confiscation. A variance is granted to render justice in unique and individual cases of practical difficulties of unnecessary hardship resulting from a literal application of the zoning ordinance. It is designed to correct maladjustments and inequities in the operation of general regulations. To accomplish this end, authority is extended to a property owner to use his property in a manner forbidden by the zoning enactment."  
88 Am.Jur. 2d

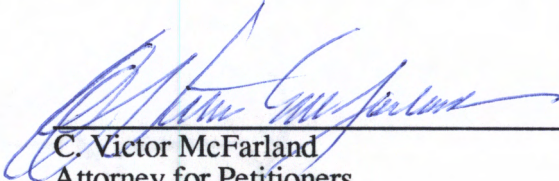
"Generally the action of a zoning board or officer with respect to the granting or denial of an exception, variance, or permit will be presumed to be legal and correct, and the person appealing from the action has the burden of overcoming the presumption of legality." 23 M.L.E. 507 § 50, citing Mayor and Council of City of Baltimore v. Biermann, 1947, 50 A.2d 804, 187 Md. 514

Section 304 is primarily concerned with the undersized lot owners and their assigns' prior rights as affected by the enactment of the Zoning Regulations, no mention is made, therefore, to "injury to the public health, safety and general welfare". Section 307 is not necessarily concerned with rights that existed before 1955 and, therefore, concerns all other variances that do not come within the purview of Section 304. Section 307 is the catch all variance statute and its primary concern is with; will the requested variance cause any "injury to the public health, safety and general welfare".

The Petitioners believe that the following two rules of statutory construction apply to the application of Sections 304 and 307:

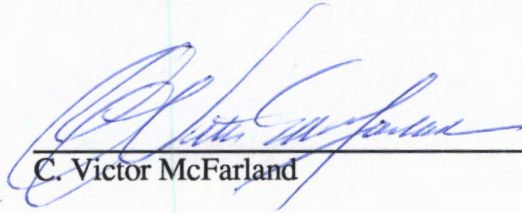
1. "While, in the construction of an ambiguous statute custom or usage may be resorted to in order to ascertain the meaning of the Legislature, no custom, however venerable, can nullify the plain meaning and purpose of the statute." 20 M.L.E. 444, Statutes § 95. Contemporaneous or Practical Construction; Custom or Usage (cases cited)
2. "Where two statutes are not irreconcilable and mutually repugnant, they should be construed both together in harmony with the objects and tenor of the legislation on the subject, and if two legislative acts can reasonably be construed together, so as to give effect to both, such a construction is to be preferred." 20 M.L.E. 454, Statutes § 112. Construction with Reference to Other Statutes, (cases cited).

WHEREFORE, the Petitioners request that the Protestants failed to meet their burden to establish that the development of the lots as proposed is not appropriate to the circumstances of this case.

  
C. Victor McFarland  
Attorney for Petitioners  
1002 Frederick Road  
Catonsville, Maryland 21228  
(410) 788-2300

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 9<sup>th</sup> day of February, 1995, I caused to be mailed, first class, postage prepaid, a copy of the foregoing Memorandum to Peter Max Zimmerman, Esquire, People's Counsel, 606 Baltimore Avenue, Suite 204, Towson, Maryland 21204.

  
\_\_\_\_\_  
C. Victor McFarland

WARREN GRILL, et ux.

Petitioners

\*

\*

\*

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY, MD

Case No. CBA 94-163

\* \* \* \* \*

MEMORANDUM

The Petitioners, by their attorney, C. Victor McFarland, respectfully present the following memorandum in the subject case.

This case arose when the Petitioners came to Baltimore County to get the necessary permits to allow them to build a house on two lots with a combined width of 40 feet in lieu of the required minimum width of 55 feet. The two lots involved in this case were created on a 1918 subdivision plat called Catonsville Gardens recorded among the Land Records of Baltimore County in plat book 6, folio 157. Upon the advice of the Office of Planning and Zoning, the Petitioners conveyed the rear most 20 feet of lots 25 and 26 of the same subdivision to create a lot with the minimum 6,000 square feet allowed under Bill 100.

The Petitioners do not own the adjacent lots to the subject property which would enable them to increase the width of those lots.

Thus, this case involves an undersized lot and upon the advice of the Office of Planning and Zoning proceeded under Section 304 of the Zoning Regulations. We were advised by People's Counsel that this was the first undersized lot proceeding under Section 304 rather than Section 307-Variances.

The Petitioners believe the Office of Planning and Zoning was correct in the procedural advice given the Petitioners.

Both Sections 304, et seq. and 307 were enacted when the zoning regulations were created to grant relief from situations that would create hardships and problems known and unknown to the County Commissioners at that time.

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Both sections apply to area regulations. Section 304 requires that all "...requirements of the height and area regulations are complied with;..." Section 307 allows "...the power to grant variances from height and area regulations,..."

However, even though it is obvious that the same power is granted in both statutes, there is no conflict in the application of these two statutes. Section 304 is to apply to undersized lots and Section 307 is to apply to all other variances. In other words, if a Petition is for anything other than an undersized lot 307 would apply.

However, the proof required under these two sections differ greatly. In Section 304, the Office of Planning and Zoning must "...determine appropriateness of the proposed new building in relation to existing structures in the neighborhood." Emphasis supplied. The word "appropriate" is used four times in that statute leaving no doubt that it is the yardstick to be used.

The yardstick set forth in Section 307 is the requirement of the zoning regulation height and area requirements do not "...result in practical difficulty or unreasonable hardship" .....  
..."Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety and general welfare." Emphasis supplied

Section 304 makes no reference to "public health, safety and general welfare".

At the hearing in this case before the County Board of Appeals, the term "compatible with the neighborhood" or variations thereof were used. However, the term applicable to this case is "appropriateness" and is defined in Webster's New Collegiate Dictionary, 1958 Edition, as "Belonging peculiarly; specially suitable; fit; proper, as, words *appropriate* to the theme.". Compatible is defined as "1. Capable of coexisting in harmony;..." and is, therefore, a more stringent requirement. Appropriateness is more flexible.

Both Sections 304 and 307 are part of "Area Variances" and generally apply to area, height, density, setback or sideline restrictions. Anderson v. Board of Appeals, Town of Chesapeake Beach, 1974, 322 A.2d 220, 22 Md.App. 28.

The problem created by this case was the application of the new zoning regulations in 1955 to lots that had only been subject to real estate market forces, customs and usage. The purpose was expressed in the enactment of Section 304 is to allow the development of those lots with minimal requirements if the owners could not make regular lots by use of the owner's other property adjacent to the undersized lot.

The Protestants' complaints are the same as those that would apply to a house built on regular sized lots that might not be appropriate to the neighborhood (i.e. parking, traffic safety, value of their property, water runoff, etc.). Economics dictate that you can only build on an undersized lot and what the market will bear. It is evident that some of the neighbors do not want any house built on the subject lots.

It must be pointed out that, although this case is to be tried "de novo", the Zoning Commissioner visited the property and community and found that the proposed building to be "appropriate". He is a fact witness.

"A variance is designed as an escape hatch from the literal terms of the ordinance which, if strictly applied, would deny a property owner all beneficial use of his land and thus amount to confiscation. A variance is granted to render justice in unique and individual cases of practical difficulties of unnecessary hardship resulting from a literal application of the zoning ordinance. It is designed to correct maladjustments and inequities in the operation of general regulations. To accomplish this end, authority is extended to a property owner to use his property in a manner forbidden by the zoning enactment."  
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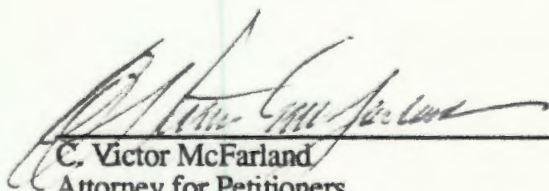
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The Petitioners believe that the following two rules of statutory construction apply to the application of Sections 304 and 307:

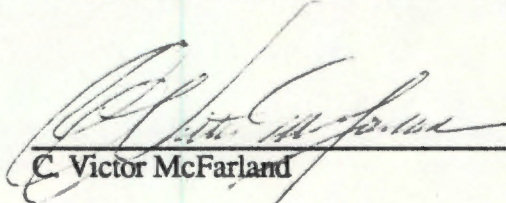
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2. "Where two statutes are not irreconcilable and mutually repugnant, they should be construed both together in harmony with the objects and tenor of the legislation on the subject, and if two legislative acts can reasonably be construed together, so as to give effect to both, such a construction is to be preferred." 20 M.L.E. 454, Statutes § 112. Construction with Reference to Other Statutes, (cases cited).

WHEREFORE, the Petitioners request that the Protestants failed to meet their burden to establish that the development of the lots as proposed is not appropriate to the circumstances of this case.

  
C. Victor McFarland  
Attorney for Petitioners  
1002 Frederick Road  
Catonsville, Maryland 21228  
(410) 788-2300

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 9<sup>th</sup> day of February, 1995, I caused to be mailed, first class, postage prepaid, a copy of the foregoing Memorandum to Peter Max Zimmerman, Esquire, People's Counsel, 606 Baltimore Avenue, Suite 204, Towson, Maryland 21204.

  
C. Victor McFarland





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

January 26, 1995

NOTICE OF DELIBERATION

Having concluded this case on January 26, 1995, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

WARREN GRILL, ET UX -Petitioners  
CASE NO. CBA-94-163

DATE AND TIME : Wednesday, February 15, 1995 at 9:00 a.m.  
LOCATION : Room 48, Basement, Old Courthouse

---

cc: C. Victor McFarland, Esquire                      Counsel for Property Owners  
Mr. & Mrs. Warren Grill    Property Owners

Mr. Joseph L. Lotz, et al                                      Appellants /Protestants  
Mr. James Hannon    "                                      "  
Mr. Robert Wiggins    "                                      "  
Ms. Margaret McCance    "                                      "

People's Counsel for Balto. County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM  
Stanley J. Schapiro, County Attorney

Kathleen C. Weidenhammer  
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

November 22, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-94-163

WARREN GRILL, ET UX -Petitioners  
W/s Hilltop Avenue, 125' W of Ingleside  
Avenue (5902 Hilltop Avenue)  
1st Election District  
1st Councilmanic District

RE: Zoning Commissioner's decision / approval  
of building permit application /undersized lot  
(Permit No. B 184576 NR)

7/29/94 -Z.C.'s Order in which the building  
permit application for the proposed  
development of subject undersized lot, known  
as 5902 Hilltop Avenue, was APPROVED.

ASSIGNED FOR: THURSDAY, JANUARY 26, 1995 at 10:00 a.m.

cc: C. Victor McFarland, Esquire Counsel for Property Owners  
Mr. & Mrs. Warren Grill Property Owners

Mr. Joseph L. Lotz, et al Appellants /Protestants  
Mr. James Hannon " "  
Mr. Robert Wiggins " "  
Ms. Margaret McCance " "

People's Counsel for Balto. County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM  
Stanley J. Schapiro, County Attorney

Kathleen C. Weidenhammer  
Administrative Assistant



11/22/94 -Notice of Assignment for hearing scheduled for Thursday, January 26, 1995 at 10:00 a.m. sent to following:

C. Victor McFarland, Esquire  
Mr. & Mrs. Warren Grill  
Mr. Joseph L. Lotz, et al  
Mr. James Hannon  
Mr. Robert Wiggins  
Ms. Margaret McCance  
People's Counsel for Balto. County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM  
Stanley J. Schapiro, County Attorney

---

1/26/95 -Hearing concluded before the Board; scheduled for deliberation; notices to be sent. (L.R.M.)

-Notice of Deliberation sent to above parties; scheduled for Wednesday, February 15, 1995 at 9:00 a.m. Notice also sent to L.R.M.

---

2/10/95 -Memorandum filed by C. Victor McFarland, Esquire, on behalf of Petitioners /Appellees.

- Peter Zimmerman indicated verbally that, at this time, he will not be responding to or submitting Memorandum.

CASE NO. CBA-94-163

WARREN GRILL, ET UX - Petitioners

W/s Hilltop Avenue, 125' W of Ingleside Avenue  
(5902 Hilltop Avenue)

1st District

Appealed: 8/25/94

RE: UNDERSIZED LOT  
W/S Hilltop Avenue, 125' W  
of Ingleside Avenue  
(5902 Hilltop Avenue)  
1st Election District  
1st Councilmanic District

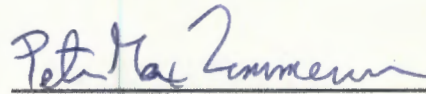
Warren and Carole Grill  
Applicants

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF BALTIMORE COUNTY  
\* Permit No. B184576NR  
\* Case No. CBA-94-163

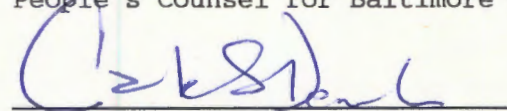
\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



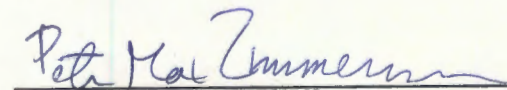
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

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COUNTY BOARD OF APPEALS

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to C. Victor McFarland, Esquire, 1002 Frederick Road, Baltimore, MD 21228, attorney for Petitioners, and to Protestants Joseph Lotz, 5904 Hilltop Avenue, Baltimore, MD 21207, James Hannon, 5923 Hilltop Avenue, Baltimore, MD 21207, James Scrofo, 5916 Hilltop Avenue, Baltimore, MD 21207, Margaret McCance, 5914 Hilltop Avenue, Baltimore, MD 21207, and Robert Wiggins, 1524 Ingleside Avenue, Baltimore, MD 21207.



PETER MAX ZIMMERMAN

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

September 2, 1994

C. Victor McFarland, Esquire  
1002 Frederick Road  
Catonsville, MD 21228

RE: UNDERSIZED LOT  
W/S Hilltop Avenue, 125' W of Ingleside Avenue  
(5902 Hilltop Avenue )  
1st Election District  
1st Councilmanic District  
Carole and Warren Grill-Applicants  
Permit No. B184576NR

Dear Mr. McFarland:

Please be advised that an appeal of the above-referenced case was filed in this office on August 25, 1994 by Joseph L. Lotz and residents of Catonsville Gardens. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Arnold Jablon".

ARNOLD JABLON  
Director

AJ:jaw

cc: Mr. and Mrs. Warren Grill  
Mr. James Hannon  
Mr. Robert Wiggins  
Ms. Margaret McCance  
People's Counsel



BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 150602

DATE 9/2/94 ACCOUNT R-001-6150

AMOUNT \$ 75.00

RECEIVED FROM: Joseph L. and Carmelina Lotz

FOR: Undersized lot appeal  
5902 Hilltop Avenue - B184576NR

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER



HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401-1991

THOMAS E. DEWBERRY  
12TH LEGISLATIVE DISTRICT  
BALTIMORE COUNTY

COMMITTEE:  
APPROPRIATIONS  
SUBCOMMITTEE ON EDUCATION  
AND HUMAN RESOURCES  
CHAIRMAN:  
SPECIAL OVERSIGHT SUBCOMMITTEE  
ON PERSONNEL

August 25, 1994

Mr. Arnold Jablon, Director  
Zoning Admin. & Development Management Office  
111 W. Chesapeake Avenue  
M.S. 1105  
Towson, Maryland 21204

RE: Undersized Lot, 5902 Hilltop Avenue, 21207  
W/S Hilltop Avenue, 125' W of Ingleside Avenue  
1st Election District - 1st Councilmanic District

Dear Mr. Jablon:

I have been contacted by the residents of Hilltop Avenue in Catonsville Gardens requesting that I support their appeal of the decision of the Zoning Commissioner with regard to this structure on the basis that it is incompatible with the existing properties in the area.

I would hope that you would give this matter your full attention and support the position of the residents in the area.

Very truly yours,

*Thomas E. Dewberry*  
Thomas E. Dewberry  
Delegate  
12th Legislative District

TED/jcs  
cc: Mr. Joseph L. Lotz  
Mr. James Hannon

8/26/94

4292-94 AJ-HK

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AUG 26 1994

ZADM

HOME ADDRESS:  
1917 TADCASTER ROAD  
CATONSVILLE, MARYLAND 21228-5555  
(410) 744-2382

LEGISLATIVE OFFICE:  
1 NEWBURG AVENUE  
CATONSVILLE, MARYLAND 21228-5108  
(410) 747-0407

ANNAPOLIS OFFICE:  
304 LOWE HOUSE OFFICE BUILDING  
ANNAPOLIS, MARYLAND 21401-1991  
(TOLL FREE) (410) 841-3378



HK

County Board of Appeals  
111 W. Chesapeake Avenue—Room 109  
Towson, MD 21204

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AUG 25 1994

August 5, 1994

RECEIVED  
PAYMENT  
8/29/94 JEX  
ZONING OFFICE

ZADM

Dear Mr. Jablon,

This letter is an official request for an appeal against the approval of a structure to be built on the property known as 5902 Hilltop Avenue, Baltimore, MD 21207.

The undersigned residents of Catonsville Gardens are appealing this decision based on the type of this structure.

We, as neighbors, protest the compatibility to existing property owners, especially around the adjacent properties.

James L. Hannon  
5923 Hilltop Ave. 21207  
Margaret C. Zele R.N.  
5900 Hilltop Ave 21207  
J. Sandoz  
5916 Hilltop Ave 21207  
Brian Scarfo  
5918 Hilltop Ave 21207.

Thank You

Joseph L. Lotz  
Joseph L. Lotz  
5904 Hilltop Avenue  
Baltimore, MD 21207  
(410) 744-9192

Marcella Cummings  
5925 Hilltop Ave 21207  
Anne E. Roe  
5927 Hilltop Ave. 21207  
Anthony A. Palermo  
1520 Ingherside Ave 21207

Matthew T. Palmerino  
Margaret McBeau  
5914 Hilltop Ave. 21207

Joseph L. Del Giudice  
5926 Hilltop Ave. 21207

Cassandra Brown  
5908 Hilltop Ave  
21207  
Steve Lynn  
5903 Hilltop Ave

John J. Kovitz Sr.  
5922 Hilltop Ave - 21207  
Margaret Nag  
5903 Hilltop

Warren D. Fisher  
5912 Hilltop Ave. 21207

Howard C. Burke  
1518 1/2 Ingherside Av.  
Catonsville MD 21207

Sadi Liberto  
Charles C. Hartsock

Robert Wiggins  
1524 Ingherside Ave  
5906 Hilltop Ave

Ed C. Snufflee

CASE B184576  
H306-94 HIC

ENCLOSED IS  
A CHECK FOR  
\$75.00.

THIS MATTER  
IS IN REGARD  
TO AN APPEAL  
OF A STRUCTURE  
ON 5904 HILLTOP  
AVENUE. Thanks

8/29/94  
JOSEPH LICOTZ  
5904 HILLTOP AVE  
BALTO MD  
21207

IN RE: HEARING ON UNDERSIZED LOT  
W/S Hilltop Avenue, 125' W of  
Ingleside Avenue  
(5902 Hilltop Avenue)  
1st Election District  
1st Councilmanic District

Warren and Carole Grill  
Applicants

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner pursuant to a request for a public hearing to determine the appropriateness of a building permit application for the proposed development of the subject undersized lot, known as 5902 Hilltop Avenue, located in the Catonsville area of southwestern Baltimore County. The request for public hearing was filed by numerous residents of the Catonsville Gardens community by letter received in the Office of Planning and Zoning on January 12, 1994. Subsequent to the receipt of said letter, the property was posted and a public hearing scheduled before me on February 24, 1994. The property is owned by Warren and Carole Grill who seek to develop the site with a single family dwelling.

Appearing at the public hearing on behalf of the application were the property owners, Warren and Carole Grill, and their attorney, C. Victor McFarland, Esquire. Appearing in opposition were Joseph Lotz, an adjacent property owner, James Hannon on behalf of the Catonsville Gardens community, and James Scrofo.

As noted above, this matter comes before the Zoning Commissioner pursuant to Section 304.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). Unlike the vast majority of cases which are heard before this Office, the matter is not before me as a Petition for Special Hearing,

ORDER RECEIVED FOR FILING  
2/29/94  
[Signature]

Special Exception or Variance. Thus, none of the requirements and standards which regulate those zoning Petitions as found within the B.C.Z.R. are applicable. Quite frankly, I have held this case without opinion for a longer period of time than usual so as to consider the issues presented. Moreover, I have visited the property and driven throughout the neighborhood to examine the nature of existing development in this locale.

At the public hearing, Mr. Grill testified and described his plans. He described the subject site, which is a combination of two lots known as Lots 51 and 52 of the Catonsville Gardens subdivision. Mr. Grill noted that he is a contractor by occupation and proposes to construct a dwelling on the site similar to that depicted in Petitioner's Exhibit 4. The subject house will be 42 feet deep and 19 feet wide and will be sold for approximately \$100,000, which in Mr. Grill's opinion, is within the average price range of homes sold in this neighborhood. Mr. Grill indicated that the homes in this neighborhood usually sell from between \$85,000 to \$125,000. Mr. Grill believes the proposed dwelling will be in keeping with other homes in the community. He stated that other houses in this subdivision are similar in architectural style and design. He opined that there will be no adverse effect upon the neighborhood.

A number of the neighbors testified in opposition to the proposed development. These included Mr. Lotz who resides immediately next door. Mr. Lotz believes that the proposed dwelling will not be compatible and fears that water runoff from the site might adversely affect his property. He also believes that a price range of \$100,000 for the proposed dwelling will be too high and that the house will not be marketable at that price in this community.

Similar testimony was offered by Robert Wiggins who resides at

ORDER RECEIVED FOR FILING

te

1524 Ingleside Avenue. He also believes that the proposed dwelling will be too close to surrounding residences. Margaret McCance, another property owner in the community also testified. She believes that the house will be smaller than other houses in the area and out of character.

In addition to this testimony, written comments were received from the Office of Planning and Zoning and a number of exhibits were offered by the Litigants. I have reviewed these exhibits carefully and, as noted above, have driven through the neighborhood and examined the housing types in this area. As to the Office of Planning and Zoning, they originally submitted inter-office correspondence dated December 29, 1993 in which they argued that the proposed dwelling is incompatible with the surrounding community and a permit for same should be denied. Thereafter, the applicants revised their plans and resubmitted same to the Office of Planning and Zoning. By comment dated January 12, 1994, Francis Morsey of that Office recommended approval, indicating that the proposed dwelling depicted on the revised plans will be "more compatible with the adjacent homes."

It need again be emphasized that this case is governed by Section 304.4 of the B.C.Z.R. Unlike a Petition for Variance which is governed by Section 307 of the B.C.Z.R., the property owner need not show that a practical difficulty would result if the relief requested was denied. Moreover, Section 307 contains other standards which are not relevant here, i.e., whether the proposed improvements will be detrimental to the surrounding locale and whether the proposed use is consistent with the spirit and intent of the regulations. Furthermore, this is not a Petition for Special Hearing or Special Exception. Those Petitions are guided by Section 502.1 of the B.C.Z.R. wherein it is provided that a special exception or special hearing can be approved only if the relief requested would not

COPIES RECEIVED FOR FILING

Date

By

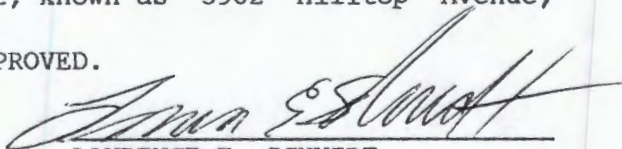
2/29/94  
LPP

be detrimental to the health, safety or general welfare of the community. A number of specific standards relating to traffic, public utilities, etc., are listed within Section 502.1 of the B.C.Z.R.

The language within Section 304.4 of the B.C.Z.R. is much more specific. Therein, it is indicated that "At the public hearing, the Zoning Commissioner shall make a determination whether the proposed dwelling is appropriate". Moreover, as noted above, there are few cases which come before me pursuant to this Section. I am unaware of any occasion where the Circuit Court or Appellate Courts of this case have construed this language. Under the circumstances, I feel compelled to adjudge the merits of this case strictly based upon the language presented. In answer to the question "Is the proposed dwelling appropriate?", I must answer in the affirmative. The architectural style and design appear to be compatible with other homes in the surrounding community. This is not to say that I do not share some of the Protestants' concerns; however, there was no persuasive evidence to buttress their opinions. In the context of the narrow confines of Section 304.4 of the B.C.Z.R., I feel compelled to approve the proposed dwelling and will so Order.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner this 29<sup>th</sup> day of July, 1994 that the building permit application for the proposed development of the subject undersized lot, known as 5902 Hilltop Avenue, is appropriate and the same is hereby APPROVED.



LAWRENCE E. SCHMIDT  
Zoning commissioner  
for Baltimore County

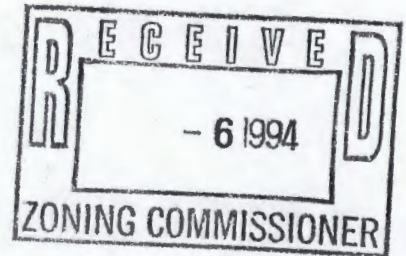
ORDER RECEIVED FOR FILING

Date

By

LES:bjs

JUNE 30, 1994



ZONING COMMISSIONER  
ATTN: MR. LAWRENCE SCHMIDT  
OLD COURT HOUSE BLDG. RM. 112  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204-2112

DEAR MR. SCHMIDT,

I AM WRITING THIS LETTER TO KEEP YOU INFORMED OF OUR SITUATION CONCERNING CASE #B184576 AT 5902 HILLTOP AVENUE, BALTIMORE, MD 21207. THE FOLLOWING CONDITIONS EXIST.

1. ALMOST ONE YEAR AGO ON AUGUST 6, 1993 MY UNCLE, HARRY BLACKBURN, STARTED THIS PROCESS WITH THE ENCLOSED LETTER TO ARNOLD JABLON IN ORDER TO GENERATE MONEY FOR NURSING CARE.
2. HE HAS BEEN RESIDING WITH MY HUSBAND AND ME DURING THIS TIME. WE DON'T KNOW HOW TO PLAN FOR HIS FUTURE CARE, SINCE WE DON'T KNOW WHETHER 5902 HILLTOP AVENUE WILL BE APPROVED AS A BUILDING LOT WITH THE PROPOSED HOUSE.
3. MY HUSBAND AND I WENT TO THE EXPENSE OF APPLYING FOR A HOME EQUITY LOAN TO USE FOR BUILDING THE PROPOSED HOUSE AT 5902 HILLTOP AVENUE. WE WERE HOPING TO START THIS PAST SPRING, SINCE OUR LOW INTEREST RATE WE RECEIVED LAST YEAR WILL BE UP AUGUST 1994.
4. WE PAID \$246.00 FOR NEW BUILDING PLANS SO WE COULD HAVE THEM AT THE HEARING ON FEBRUARY 24, 1994 TO ACCOMMODATE THE PEOPLE OPPOSED TO OUR ORIGINAL BUILDING PLANS. HOWEVER, THE FEE FOR THE BUILDING PLANS IS NOT REFUNDABLE.
5. MY UNCLE AND I WENT THROUGH EVERY PROCEDURE ASKED OF US BY MAKING NUMEROUS VISITS TO THE COUNTY, PAYING VARIOUS FEES FOR A NEW SURVEY, HAVING 2 DEEDS WRITTEN AND RECORDED, PAYING UNDERSIZE LOT FEES, AND A BUILDING PERMIT FEE WHICH IS ABOUT TO EXPIRE THIS YEAR.
6. WE ARE NOW IN OUR 2ND LEVEL OF APPEALING THE PROPERTY TAX ASSESSMENT, SINCE WE BELIEVE IT IS NOW ASSESSED AS IF IT IS A BUILDING LOT.

IF THERE IS ANY WAY YOU COULD GIVE THIS CASE YOUR IMMEDIATE ATTENTION, WE WOULD APPRECIATE YOUR EFFORTS. ALSO, IF WE CAN BE OF ANY HELP IN ANSWERING ANY QUESTIONS YOU MIGHT HAVE, PLEASE CALL US AT 795-2598 OR 549-1111. THANK-YOU.

SINCERELY YOURS,

*Carole Grill*      *Harry Blackburn*  
CAROLE GRILL      HARRY BLACKBURN  
6220 ROLLING VIEW DRIVE  
SYKESVILLE, MARYLAND 21784

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

CAROLE GRILL

6220 ROLLING VIEW DR. 2178

HARRY BLACKBURN

6220 ROLLING VIEW DR. 2178

WARREN GRILL

6220 ROLLING VIEW DR. 2178







2-24-94

THE HOMEOWNERS ARE STILL CONCERNED ABOUT WHAT EFFECT DOES THIS SIZE STRUCTURE DO TO OUR PROPERTY VALUES? WE ARE ALSO CONCERNED ABOUT THE OTHER CONCERNS ADDRESSED IN THE LETTER TO THE COMMISSION BACK IN JANUARY. THE STRUCTURE THAT APPEARS TO US AS A NON-CONFORMING LOT SIZE,

WE ARE ASKING AND REQUESTING THAT THIS COMMISSION (BEING PROFESSIONALS AS YOU ARE IN THIS FIELD) TURN DOWN THIS REZONING OF THIS PROPERTY.

I'M PRESENTING TO THIS HEARING, A SET OF PHOTO'S TAKEN OF THE ADJOINING 4 NEIGHBORHOOD BOARDING STREETS OF THE TYPE OF EXISTING HOME STRUCTURES.

ALSO, AS RESIDENTS OF CATONSVILLE GARDENS, WILL THE BUILDING OF THIS STRUCTURE ON THIS NON-CONFORMING LOT BE HELD AS AN EXAMPLE TO OTHER PROPERTY OWNERS OF THIS COMMUNITY JUST FOR THE MONETARY VALUE AND NOT CARING FOR THE ESTABLISHED RESIDENTS.

WE ALSO ASK WHY WAS THE STRUCTURE DESIGN CHANGED AFTER AN OFFICIAL PROTEST LODGED?

IN CLOSING, ON BEHALF OF THE UNDERSIGNED LETTER OF THE RESIDENTS WE WOULD LIKE TO THANK THE COMMISSION FOR THE OPPORTUNITY TO EXPRESS OUR THOUGHTS AT THIS HEARING

Thank You  
John

# REAL ESTATE SERVICES PROPOSAL

PREPARED ESPECIALLY FOR ...

M/M WARREN GRILL  
1528 INGLESIDE AVENUE  
BALTIMORE, MD 21207

RUSS BLACKBURN  
O'Connor, Piper & Flynn  
1631 N. Main Street  
Hampstead, Maryland 21074

Office Phone: 410-239-8110  
Home Phone: 876-4499  
Fax Number: 239-4551

February 14, 1994

February 14, 1994

M/M WARREN GRILL  
1528 INGLESIDE AVENUE  
BALTIMORE, MD 21207

Dear WARREN AND CAROLE:

Thank you very much for giving me the opportunity to present the enclosed proposal to market your home. I appreciate the time you spent with me reviewing the features of your home and outlining your financial goals and time considerations.

You will receive competent and professional service when you select me and O'Connor, Piper & Flynn to represent you. We have represented many families in this area concluding transactions that realize maximum value in a reasonable time. I hope you will select me as your agent in this very important transaction.

This proposal includes a comprehensive market analysis that will assist us in determining the market value and pricing of your home. Information on me and O'Connor, Piper & Flynn is included that will confirm I am best qualified to market your home.

Very truly yours,

A handwritten signature in cursive script that reads "Russ Blackburn". The signature is written in dark ink and is positioned above the typed name.

RUSS BLACKBURN

## Why Choose O'Connor, Piper & Flynn...

- We are a leader in listing and selling homes in your market area.
- We have more top producers than any other company in the area.
- Our comprehensive print, TV, direct mail advertising program.
- Membership in international relocation network.
- Satisfied past customers provide a source of potential buyers.
- All of our agents receive extensive on-going training.
- Efficient, computerized accounting and property information systems.
- Computer resource department for agent training in the use of personal computers.
- A corporate commitment to excellence in all areas of the real estate business.

## DETERMINING THE VALUE OF YOUR HOME

A comprehensive market analysis is essential to determine the value of residential property. Location and characteristics of the property are the key elements in determining value, therefore the basis for valuation is similar properties in your area. The market analysis takes into account the amount received from recent sales of comparable properties and the quantity and quality of comparable properties currently on the market. The desired end result of course is to find a price that will attract a willing and able buyer in a reasonable time.

Once the value of your home has been determined, you can decide on an offering price that will achieve your goals. Generally, the price should not exceed the value by more than 5% or potential buyers may not even make offers. Naturally, if you want to sell quickly your asking price should be very near the value.

The following are a few things to keep in mind about pricing:

- Realistic pricing will achieve maximum price in a reasonable time.
- Your cost or profit desire is irrelevant; the market determines the price.
- The cost of improvements are almost always more than the added value.
- Houses that remain on the market for a long time do not get shown.
- A house that is priced right from the beginning achieves highest proceeds.

## Comparative Market Analysis Summary

### Currently On The Market...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	LIST PRICE
5942 Sunset Ave.	Catonsvi	2	1/1	Rancher		\$95,000
5937 Sunset Avenue	Catons M	3	1/0	Rancher		\$109,000
5916 Hilltop Ave	Catonsvi	4	1/0	Cape Cod		\$110,000
1420A Ingleside Ave	Caton Ma	4	2/0	Split Fo		\$114,999
5927 Hilltop Avenue	Caton Ga	4	3/0	Rancher		\$119,900
5955 Hilltop 4%	Catonsvi	3	3/0	Rancher		\$127,500
5949 Sunset Ave	Catonsvi	5	2/1	Bi-Level		\$127,500
5905 Franklin Ave	West Hil	4	3/0	Split Fo		\$127,900
5949A Sunset Ave 4%	Catonsvi	3	2/0	Split Fo		\$129,900
1401 Ingleside Ave	Edmondso	4	2/0	Cape Cod		\$89,999
1413 Ingleside Ave	Catonsvi	3	1/0	Split Le		\$92,000
AVERAGE OF 11 PROPERTIES is \$113,063						

### Recently Sold...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	SOLD PRICE
1126 Ingleside Ave	Caton Ma	3	1/0	Cape Cod		\$78,000
1211 Ingleside Ave	Catonsvi	3	1/1	Rancher		\$89,900
1405 Ingleside Ave	Edmondso	3	1/0	Split Le		\$86,000
1427 Ingleside Ave	Edmondso	4	1/0	Split Le		\$87,000
5919 Franklin Ave	Catonsvi	3	2/0	Rancher		\$90,000
5915 Sunset Ave	Catonsvi	4	2/0	Split Fo		\$115,000
1400 Ingleside Ave	Catonsvi	3	2/0	Cape Cod		\$75,000
AVERAGE OF 7 PROPERTIES is \$88,700						

### Did Not Sell...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	LIST PRICE
5934 Hilltop Ave \$\$\$	Catonsvi	4	3/0	Rancher		\$114,999
AVERAGE OF 1 PROPERTIES is \$114,999						

## Comparative Market Analysis

This report utilizes the market data approach to determine value. The following properties are comparable and in close proximity to your property:

Comparable #1 5942 SUNSET AVE.  
 Comparable #2 5937 SUNSET AVENUE  
 Comparable #3 5916 HILLTOP AVE  
 Comparable #4 1420A INGLESIDE AVE  
 Comparable #5 5927 HILLTOP AVENUE  
 Comparable #6 5955 HILLTOP 4%

DESCRIPTION	CCMP #1	CCMP #2	CCMP #3	CCMP #4	CCMP #5	CCMP #6
STATUS	A	A	A	A	A	A
LIST PRICE	\$95,000	\$109,000	\$110,000	\$114,999	\$119,900	\$127,500
SOLD PRICE						
CONTRACT SETTLED						
DCM						
AREA	Catonsvi	Catons M	Catonsvi	Caton Ma	Caton Ga	Catonsvi
LEVEL						
STYLE	Detached	Detached	Detached	Detached	Detached	Detached
DESIGN	Rancher	Rancher	Cape Cod	Split Foye	Rancher	Rancher
AGE	34	37	34	4	34	New
BDS	2	3	4	4	4	3
BTHS	1/1	1/0	1/0	2/0	3/0	3/0
ACRES	0.00	0.22	0.00	0.15	0.00	0.17
SITE	Inside Lot	Inside Lot	Inside Lot	Inside Lot	Inside Lot	Inside Lot
EXTERIOR	Brick Home	Brick Home	Alum Sidin	Vinyl Sidi	Brick Home	Brick Home
SPECIAL						
BASEMENT	Full, Part	Full, Impro	Full, Impro	Full, Impro	Full, Impro	Full, Part
FUEL	Elec	Elec	Elec	Elec	Gas	Elec
HEAT	Fha	Hwbb	Fha	Fha	Fha	Fha
COOL		Window A/C	Ceiling Fa	Central A/	Window A/C	Central A/
FIREPLACE		1 Fireplac	Space Heat			
INTERIOR	Wood Floor	Wood Floor	Wood Floor	No Wax Kit	Wood Floor	No Wax Kit
EXTERIOR	Patio	Porch	Patio	Ext Lighti	Patio	Deck
PARKING	1-Car Carp	Driveway		Off-St Par	Garage 1 A	Driveway
WATER						



## Comparative Market Analysis

This report utilizes the market data approach to determine value. The following properties are comparable and in close proximity to your property:

- Comparable #1 5949 SUNSET AVE
- Comparable #2 5905 FRANKLIN AVE
- Comparable #3 5949A SUNSET AVE 4%
- Comparable #4 1401 INGLESIDE AVE
- Comparable #5 1413 INGLESIDE AVE
- Comparable #6 1126 INGLESIDE AVE

DESCRIPTION	CCMP #1	CCMP #2	CCMP #3	CCMP #4	CCMP #5	CCMP #6
STATUS	A	A	A	A	A	S
LIST PRICE	\$127,500	\$127,900	\$129,900	\$89,999	\$92,000	\$84,921
SOLD PRICE						\$78,000
CONTRACT SETTLED						05/26/93
DCM						10/21/93
AREA	Catonsvi	West Hil	Catonsvi	Edmondso	Catonsvi	82
LEVEL						Caton Ma
STYLE	Detached	Detached	Detached	Detached	Detached	Detached
DESIGN	Bi-Level	Split Foye	Split Foye	Cape Cod	Split Leve	Cape Cod
AGE	11	Unk	New	27	30	Unk
BDS	5	4	3	4	3	3
BTHS	2/1	3/0	2/0	2/0	1/0	1/0
ACRES	0.17	0.00	0.17	0.00	0.15	0.00
SITE	Inside Lot	Inside Lot	Inside Lot	Corner Lot	Inside Lot	Corner Lot
EXTERIOR	Brick Home	Vinyl Sidi	Brick Home	Brick Home	Vinyl Sidi	Asbestos S
SPECIAL						
BASEMENT	Full, Impro	Full, Impro	Full, Impro	Full, Part	Half, Impro	Full, Unim
FUEL	Elec	Elec	Elec	Elec	Gas	Gas
HEAT	Fha	Fha	Fha	Fha	Fha	Hwbb
COOL	Central A/	Central A/	Central A/	Central A/	Central A/	Ceiling Fa
FIREPLACE	1 Fireplac					
INTERIOR	W/W-Subflo	Ex Ww Carp	No Wax Kit	Wood Floor	Wood Floor	Ex Ww Carp
EXTERIOR	Patio		Deck	Porch	Deck	Deck
PARKING	Driveway	Driveway	Garage 2+D	Slick Pad	Off-St Par	Driveway
WATER						

## Comparative Market Analysis

This report utilizes the market data approach to determine value. The following properties are comparable and in close proximity to your property:

Comparable #1 1211 INGLESIDE AVE  
 Comparable #2 1405 INGLESIDE AVE  
 Comparable #3 1427 INGLESIDE AVE  
 Comparable #4 5919 FRANKLIN AVE  
 Comparable #5 5915 SUNSET AVE  
 Comparable #6 1400 INGLESIDE AVE

DESCRIPTION	CCMP #1	CCMP #2	CCMP #3	CCMP #4	CCMP #5	CCMP #6
STATUS	S	S	S	S	S	S
LIST PRICE	\$89,900	\$87,500	\$87,504	\$94,900	\$119,900	\$76,000
SOLD PRICE	\$89,900	\$86,000	\$87,000	\$90,000	\$115,000	\$75,000
CONTRACT	08/06/93	08/07/93	07/18/93	08/02/93	09/17/93	07/22/93
SETTLED	09/29/93	10/12/93	10/15/93	08/30/93	10/29/93	08/19/93
DOM	119	73	157	0	10	236
AREA	Catonsvi	Edmondso	Edmondso	Catonsvi	Catonsvi	Catonsvi
LEVEL						
STYLE	Detached	Detached	Detached	Detached	Detached	Detached
DESIGN	Rancher	Split Leve	Split Leve	Rancher	Split Foye	Cape Cod
AGE	26	32	Unk	Unk	5	62
BDS	3	3	4	3	4	3
BTHS	1/1	1/0	1/0	2/0	2/0	2/0
ACRES	0.19	0.00	0.00	0.00	0.22	0.17
SITE	Inside Lot	Inside Lot	Inside Lot	Inside Lot	Inside Lot	Corner Lot
EXTERIOR	Brick Home	Asbestos S	Alum Sidin	Brick Home	Alum Sidin	Frame Home
SPECIAL						
BASEMENT	Full, Impro	Crawl Spac	Full, Impro	Full, Impro	Full, Impro	Full, Unim
FUEL	Elec	Gas	Gas	Gas	Elec	Gas
HEAT	Fha	Fha	Fha	Fha	Fha	Fha
COOL	Central A/	Central A/	Central A/	Central A/	Central A/	Window A/C
FIREPLACE						
INTERIOR	Wood Floor	Wood Floor	Wood Floor		Some Drape	Wood Floor
EXTERIOR	Deck	Porch	Deck		Deck	Porch
PARKING	Slick Pad	Off-St Par	Slick Pad			Garage 1 D
WATER						

## Comparative Market Analysis

This report utilizes the market data approach to determine value. The following properties are comparable and in close proximity to your property:

Comparable #1 5934 HILLTOP AVE \$\$\$

DESCRIPTION	CCMP #1	CCMP #2	CCMP #3	CCMP #4	CCMP #5	CCMP #6
STATUS	X					
LIST PRICE	\$114,999					
SOLD PRICE						
CONTRACT SETTLED						
DOM						
AREA	Catonsvi					
LEVEL						
STYLE	Detached					
DESIGN	Rancher					
AGE	12					
BDS	4					
BTHS	3/0					
ACRES	0.18					
SITE	Inside Lot					
EXTERIOR	Brick Home					
SPECIAL						
BASEMENT	Full, Impro					
FUEL	Elec					
HEAT	Hwbb					
COOL	Central A/					
FIREPLACE	2+ Firepla					
INTERIOR	No Wax Kit					
EXTERIOR	Patio					
PARKING	Garage 1 A					
WATER						

## Comparative Market Analysis

### Currently On The Market...

<u>ADDRESS</u>	<u>NEIGHBORHOOD</u>	<u>BDS</u>	<u>BTHS</u>	<u>STYLE</u>	<u>LEVEL</u>	<u>LIST PRICE</u>
5942 Sunset Ave.	Catonsvi	2	1/1	Rancher		\$95,000

Age: 34 Features: Detached, Brick Home, Asph Sh Roof, Full, Part Improved, Elec, Gas, Pha, Ex Storm Wnw, Ex Storm Drs, Elec Range, Wall Oven, Refrigerator, Washer, Gas Dryer, Wood Floors, No Wax Kitch, Brick Home, Ext Lighting, 1-Car Carprt, Off-St Park, Inside Lot, Public Water, Public Sewer, Public Gas, Catonsvi

5937 Sunset Avenue	Catons M	3	1/0	Rancher		\$109,000
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Age: 37 Features: Detached, Brick Home, Asph Sh Roof, Full, Improvd, Elec, Oil, Hwbb, Window A/C, 1 Fireplace, Ex Storm Wnw, Ex Storm Drs, Elec Range, Refrigerator, Washer, Wood Floors, No Wax Kitch, Ex Ww Carpet, Ex Curtn Rod, Ex Shades, Ex Int Shtr, Brick Home, Storage Shed, Driveway, Off-St Park, Inside Lot, Public Water, Public Sewer, Cable Tv, Fan On Range, Catons M

5916 Hilltop Ave	Catonsvi	4	1/0	Cape Cod		\$110,000
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Age: 34 Features: Detached, Alum Siding, Asph Sh Roof, Full, Improvd, Elec, Gas, Pha, Ceiling Fans, Attic Fans, Space Heater, Ex Storm Wnw, Ex Storm Drs, Attic Insul, Gas Range, Elec Range, Microwave, Refrigerator, Washer, Gas Dryer, Wood Floors, Parquet Fls, No Wax Kitch, Ex Ww Carpet, Ex Shades, Ex Int Shtr, Alum Siding, Inside Lot, Fenced Yard, Level Lot, Public Water, Public Sewer, Public Gas, Humidifier, Catonsvi

1420A Ingleside Ave	Caton Ma	4	2/0	Split Fo		\$114,999
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Age: 4 Fuel Cost: \$100 Features: Detached, Vinyl Siding, Brick Veneer, Asph Sh Roof, Full, Improvd, Elec, Pha, Heat Pump, Central A/C, Ex Dl Glz Wn, Ex Storm Drs, Elec Range, Microwave, Refrigerator, Washer, Dishwasher, No Wax Kitch, Ex Ww Carpet, Ex Curtn Rod, Ex Blinds, Some Drapes, Vinyl Siding, Brick Veneer, Off-St Park, Inside Lot, Level Lot, Public Water, Public Sewer, Cable Tv, Fan On Range, Caton Ma

Currently On The Market...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	LIST PRICE
5927 Hilltop Avenue	Caton Ga	4	3/0	Rancher		\$119,900

Age: 34 Fuel Cost: \$1,440 Features: Detached, Brick Home, Asph Sh Roof, Full, Improvd, Gas, Wood, Fha, Window A/C, Ceiling Fans, Ex Storm Wnw, Ex Storm Drs, Gas Range, Wall Oven, Microwave, Refrigerator, Washer, Wood Floors, Ex Ww Carpet, Ex Curtn Rod, Brick Home, Ingrnd Pool, Storage Shed, Garage 1 Att, Slick Pad, Inside Lot, Fenced Yard, Landscaped, Public Water, Public Sewer, Public Gas, Caton Ga

5955 Hilltop 4%	Catonsvi	3	3/0	Rancher		\$127,500
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Age: New Features: Detached, Brick Home, Vinyl Siding, Asph Sh Roof, Full, Part Improved, Elec, Wood, Fha, Heat Pump, Central A/C, Wdw Screens, Ex Dl Glz Wn, Elec Range, Washer, Dishwasher, Disposal, No Wax Kitch, W/W-Subfloor, Ex Lgt Fxtrs, Brick Home, Vinyl Siding, Driveway, Inside Lot, Level Lot, Public Water, Public Sewer, Cable Tv, Fan On Range, Catonsvi

5949 Sunset Ave	Catonsvi	5	2/1	Bi-Level		\$127,500
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Age: 11 Features: Detached, Brick Home, Vinyl Siding, Asph Sh Roof, Full, Improvd, Elec, Fha, Heat Pump, Central A/C, 1 Fireplace, Firepl/Insrt, Ex Storm Wnw, Ex Dl Glz Wn, Elec Range, Refrigerator, Washer, Dishwasher, W/W-Subfloor, Ex Curtn Rod, Some Drapes, Brick Home, Vinyl Siding, Porch, Ext Lighting, Driveway, Off-St Park, Inside Lot, Fenced Yard, Part Fenced, Public Water, Public Sewer, Cable Tv, Fan On Range, Catonsvi

5905 Franklin Ave	West Hil	4	3/0	Split Fo		\$127,900
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Age: Unk Features: Detached, Vinyl Siding, Asph Sh Roof, Full, Improvd, Elec, Fha, Central A/C, Ex Dl Glz Wn, Ex D Glz Drs, Elec Range, Washer, Dishwasher, Ex Ww Carpet, Ex Lgt Fxtrs, Vinyl Siding, Driveway, Off-St Park, Inside Lot, Fenced Yard, Level Lot, Public Water, Public Sewer, Cable Tv, Fan On Range, West Hil

5949A Sunset Ave 4%	Catonsvi	3	2/0	Split Fo		\$129,900
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Age: New Features: Detached, Brick Home, Vinyl Siding, Asph Sh Roof, Full, Improvd, Elec, Wood, Fha, Heat Pump, Central A/C, Wdw Screens, Ex Dl Glz Wn, Ex D Glz Drs, Elec Range, Washer, Dishwasher, No Wax Kitch, W/W-Subfloor, Brick Home, Vinyl Siding, Garage 2+Det, Driveway, Inside Lot, Level Lot, Public Water, Public Sewer, Cable Tv, Fan On Range, Catonsvi

Currently On The Market...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	LIST PRICE
1401 Ingleside Ave	Edmondso	4	2/0	Cape Cod		\$89,999

Age: 27 Fuel Cost: \$132 Features: Detached, Brick Home, Alum Siding, Asph Sh Roof, Full, Part Improved, Elec, Gas, Fha, Central A/C, Ceiling Fans, Attic Insul, Ex Wall Insl, Gas Range, Microwave, Washer, Elect Dryer, Wood Floors, No Wax Kitch, Ex Ww Carpet, Ex Curtn Rod, Ex Shades, Ex Blinds, Brick Home, Alum Siding, Slick Pad, Corner Lot, Fenced Yard, Part Fenced, Public Water, Public Sewer, Public Gas, Edmondso

1413 Ingleside Ave	Catonsvi	3	1/0	Split Le		\$92,000
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Age: 30 Features: Detached, Vinyl Siding, Asph Sh Roof, Half, Improvd, Gas, Wood, Fha, Central A/C, Ex Storm Wnw, Ex Dl Glz Wn, Ex Storm Drs, Gas Range, Refrigerator, Washer, Wood Floors, No Wax Kitch, Ex Ww Carpet, Ex Curtn Rod, Ex Shades, Ex Blinds, Vinyl Siding, Off-St Park, Inside Lot, Public Water, Public Sewer, Public Gas, Catonsvi

AVERAGE OF 11 PROPERTIES is \$113,063

Recently Sold...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	SOLD PRICE
1126 Ingleside Ave	Caton Ma	3	1/0	Cape Cod		\$78,000

Days on Market: 82 Date Sold: 05/26/93 Date Settled: 10/21/93 Age: Unk Features: Detached, Asbestos Shg, Al/Vnyl Trim, Asph Sh Roof, Full, Unimproved, Gas, Oil, Hwbb, Ceiling Fans, Ex Rplc Wnws, Ex Storm Drs, Gas Range, Microwave, Refrigerator, Washer, Ex Ww Carpet, W/W-Subfloor, Ex Curtn Rod, Ex Blinds, Ex Lgt Fxtrs, Asbestos Shg, Al/Vnyl Trim, Storage Shed, Ext Lighting, Driveway, Off-St Park, Corner Lot, Fenced Yard, Level Lot, Public Water, Public Sewer, Public Gas, Caton Ma

1211 Ingleside Ave	Catonsvi	3	1/1	Rancher		\$89,900
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Days on Market: 119 Date Sold: 08/06/93 Date Settled: 09/29/93 Age: 26 Fuel Cost: \$100 Features: Detached, Brick Home, Asbestos Shg, Asph Sh Roof, Full, Improvd, Elec, Gas, Fha, Central A/C, Ceiling Fans, Ex Dl Glz Wn, Ex Storm Drs, Gas Range, Cont-CI Oven, Microwave, Refrigerator, Washer, Elect Dryer, Wood Floors, Tile/Slatefl, Ex Ww Carpet, Ex Curtn Rod, Ex Blinds, Some Drapes, Brick Home, Asbestos Shg, Ext Lighting, Slick Pad, Driveway, Inside Lot, Tree Studded, Level Lot, Public Water, Public Sewer, Public Gas, Updatd Plumb, Catonsvi

Recently Sold...

ADDRESS	NEIGHBORHOOD	BDS	BTHS	STYLE	LEVEL	SOLD PRICE
1405 Ingleside Ave	Edmondso	3	1/0	Split Le		\$86,000

Days on Market: 73 Date Sold: 08/07/93 Date Settled: 10/12/93 Age: 32  
 Fuel Cost: \$1,200 Ground Rent: \$15 Features: Detached, Asbestos Shg,  
 Asph Sh Roof, Crawl Space, Half, Improvd, Gas, Wood, Fha, Central A/C,  
 Ex Storm Wnw, Ex Storm Drs, Attic Insul, Gas Range, Refrigerator, Washer,  
 Gas Dryer, Dishwasher, Disposal, Wood Floors, No Wax Kitch, Ex Ww Carpet,  
 Ex Curtn Rod, Some Drapes, Ex Lgt Fxtrs, Asbestos Shg, Off-St Park,  
 Inside Lot, Tree Studded, Level Lot, Public Water, Public Sewer, Public Gas,  
 Security Sys, Edmondso

1427 Ingleside Ave	Edmondso	4	1/0	Split Le		\$87,000
--------------------	----------	---	-----	----------	--	----------

Days on Market: 157 Date Sold: 07/18/93 Date Settled: 10/15/93 Age: Unk  
 Ground Rent: \$15 Features: Detached, Alum Siding, Brick Veneer, Asph Sh Roof,  
 Full, Improvd, Gas, Wood, Fha, Central A/C, Ceiling Fans, Ex Rplc Wnws,  
 Ex Storm Drs, Gas Range, Self-CI Oven, Refrigerator, Washer, Gas Dryer,  
 Dishwasher, Wood Floors, No Wax Kitch, Ex Ww Carpet, Ex Curtn Rod, Ex Shades,  
 Ex Blinds, Alum Siding, Brick Veneer, Ext Lighting, Slick Pad, Off-St Park,  
 Inside Lot, Level Lot, Landscaped, Public Water, Public Sewer, Public Gas,  
 Humidifier, Edmondso

5919 Franklin Ave	Catonsvi	3	2/0	Rancher		\$90,000
-------------------	----------	---	-----	---------	--	----------

Days on Market: 0 Date Sold: 08/02/93 Date Settled: 08/30/93 Age: Unk  
 Ground Rent: \$10 Features: Detached, Brick Home, Frame Home, Asph Sh Roof,  
 Full, Improvd, Gas, Fha, Central A/C, Wdw Screens, Ex Storm Wnw, Ex Rplc Wnws,  
 Ex Storm Drs, Gas Range, Microwave, Refrigerator, Washer, Gas Dryer,  
 Brick Home, Frame Home, Inside Lot, Tree Studded, Level Lot, Public Water,  
 Public Sewer, Public Gas, Catonsvi

5915 Sunset Ave	Catonsvi	4	2/0	Split Fo		\$115,000
-----------------	----------	---	-----	----------	--	-----------

Days on Market: 10 Date Sold: 09/17/93 Date Settled: 10/29/93 Age: 5  
 Features: Detached, Alum Siding, Al/Vnyl Trim, Asph Sh Roof, Full, Improvd,  
 Elec, Wood, Fha, Heat Pump, Central A/C, Attic Fans, Ex Storm Wnw,  
 Ex Dl Glz Wn, Ex Storm Drs, Elec Range, Self-CI Oven, Microwave, Refrigerator,  
 Washer, Elect Dryer, Some Drapes, Alum Siding, Al/Vnyl Trim, Inside Lot,  
 Part Fenced, Level Lot, Public Water, Public Sewer, Cable Tv, Fan On Range,  
 Catonsvi

Recently Sold...

<u>ADDRESS</u>	<u>NEIGHBORHOOD</u>	<u>BDS</u>	<u>BTHS</u>	<u>STYLE</u>	<u>LEVEL</u>	<u>SOLD PRICE</u>
1400 Ingleside Ave	Catonsvi	3	2/0	Cape Cod		\$75,000

Days on Market: 236 Date Sold: 07/22/93 Date Settled: 08/19/93 Age: 62  
Fuel Cost: \$525 Features: Detached, Frame Home, Formstone, Asph Sh Roof,  
Full, Unimproved, Gas, Oil, Fha, Window A/C, Wdw Screens, Ex Storm Wnw,  
Ex Storm Drs, Gas Range, Self-Cl Oven, Refrigerator, Washer, Gas Dryer,  
Dishwasher, Wood Floors, No Wax Kitch, Ex Curtn Rod, Ex Shades, Ex Blinds,  
Some Drapes, Frame Home, Formstone, Garage 1 Det, Driveway, Corner Lot,  
Wooded Lot, Level Lot, Public Water, Public Sewer, Public Gas, Tv Antenna,  
Fan On Range, Humidifier, Dehumidifier, Updatd Plumb, Catonsvi

AVERAGE OF 7 PROPERTIES is \$88,700

Did Not Sell...

<u>ADDRESS</u>	<u>NEIGHBORHOOD</u>	<u>BDS</u>	<u>BTHS</u>	<u>STYLE</u>	<u>LEVEL</u>	<u>LIST PRICE</u>
5934 Hilltop Ave \$\$\$	Catonsvi	4	3/0	Rancher		\$114,999

Age: 12 Features: Detached, Brick Home, Mason Siding, Asph Sh Roof,  
Full, Improvd, Elec, Oil, Hwbb, Central A/C, Ceiling Fans, 2+ Fireplace,  
Ex Storm Wnw, Elec Range, Self-Cl Oven, Microwave, Refrigerator, Washer,  
Elect Dryer, No Wax Kitch, Ex Ww Carpet, Some Drapes, Ex Lgt Fxtrs,  
Brick Home, Mason Siding, Garage 1 Att, Driveway, Inside Lot, Landscaped,  
Public Water, Public Sewer, Cable Tv, In Law Apt, Fan On Range, Catonsvi

AVERAGE OF 1 PROPERTIES is \$114,999



## SERVICES YOU WILL RECEIVE ...

- We will help you determine the best selling price for your home.
- We will tell you what to do to get your home in sale condition.
- We will recommend reputable repair companies if necessary.
- We will develop a strategy to show your home.
- We will enter your home in the Multiple List service immediately.
- We will implement a comprehensive marketing plan.
- We will periodically meet with you to review progress.
- We will promptly advise you of changes in the market climate.
- We will present all offers to you promptly and assist in evaluating them.
- We will monitor progress toward closing when a contract is accepted.
- We will immediately advise you of events that may threaten closing.
- We will coordinate and monitor the settlement process.
- We will monitor the appraisal and buyers loan approval.
- We will stay in contact with selling agent to make sure things are proceeding smoothly.
- We will be present at closing to assure a successful conclusion.

## IN CONCLUSION ...

You should choose RUSS BLACKBURN because:

I will provide you with excellent service and support.

I have made a thorough market analysis of your home.

I have developed a winning marketing plan.

I will make every effort to sell your home promptly.

I have the resources of O'Connor, Piper & Flynn.

**LET ME LIST YOUR HOME NOW.**

FEBRUARY 10, 1994

MR. JOSEPH LOTZ  
5904 HILLTOP AVENUE  
BALTIMORE, MD 21207

WE SENT THIS TO MR. LOTZ  
AND EACH OF THE OTHER PEOPLE  
THAT PROTESTED.

DEAR MR. LOTZ,

WE ARE AWARE THAT YOU HAVE CONCERNS ABOUT OUR PLANS FOR THE PROPERTY AT 5902 HILLTOP AVENUE. SINCE YOU FELT THAT THE RANCHER WE SUBMITTED WAS NON-CONFORMING TO THE LOT SIZE, WE HAVE PURCHASED PLANS FOR A TWO-STORY VICTORIAN COTTAGE.

WE WOULD LIKE TO DISCUSS THE ENCLOSED HOUSE PLAN WITH YOU BEFORE THE BALTIMORE COUNTY HEARING ON FEBRUARY 24, 1994. THEREFORE, ON SUNDAY, FEBRUARY 20, 1994 BETWEEN 1 AND 3 P.M., WE INVITE YOU TO AN ON-SITE MEETING AT 1528 INGLESIDE AVENUE WITH HARRY BLACKBURN AND CAROLE & WARREN GRILL. THIS IS THE ADJOINING PROPERTY OF THE BUILDING LOT WHERE MY UNCLE, HARRY BLACKBURN, HAS RESIDED FOR THE PAST 50 YEARS.

IN CLOSING WE WOULD LIKE TO ASSURE YOU THAT WARREN GRILL HAS BEEN IN THE HOME CONTRACTING BUSINESS FOR 35 YEARS AND WOULD NOT ENDANGER HIS GOOD AND LONGSTANDING REPUTATION BY BUILDING SOMETHING UNDESIREABLE.

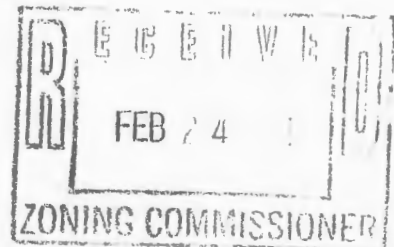
WE UNDERSTAND YOUR CONCERNS AND ANXIETIES AND LOOK FORWARD TO MEETING WITH YOU ON FEBRUARY 20, 1994.

SINCERELY YOURS,

*Carole Grill*

*Warren Grill*

CAROLE AND WARREN GRILL  
6220 ROLLING VIEW DRIVE  
SYKESVILLE, MARYLAND 21784  
(410) 795-2598 OR (410) 549-1111



MR. SCHMIDT,

PLEASE SEE THAT THIS GETS IN  
THE FILE FOR CASE NO. B184576 THAT  
IS SCHEDULED FOR FEBRUARY 24, 1994.  
THANK-YOU!

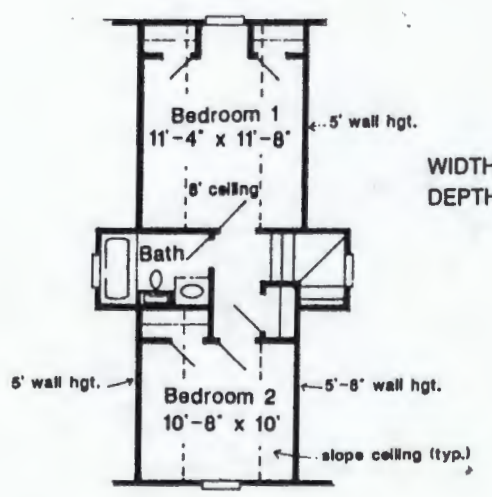
SINCERELY,  
*Carole Grill*



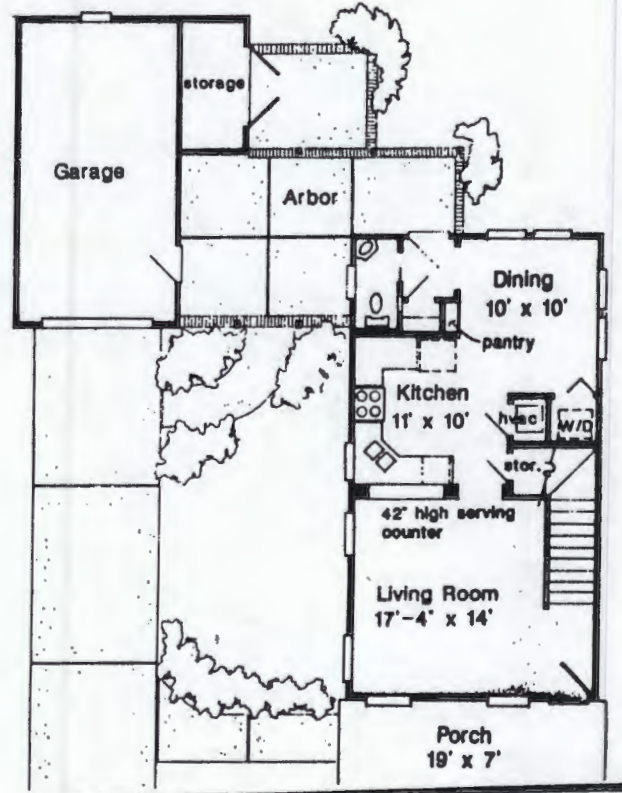
First Floor: 588 square feet  
 Second Floor: 397 square feet  
 Total: 985 square feet  
 Width 19'  
 Depth 40'-2"

● This quaint little Victorian cottage serves perfectly as a starter or second home; or maybe you have it in mind for a lakefront location. Beyond the front porch, the living room defines the front of the house. A full kitchen, a dining room and a powder room account for the back of the house. Each of these areas appreciates an abun-

dance of natural lighting and excellent space utilization. Upstairs, two family bedrooms share a full bath. Bedroom 1 enjoys twin closets. Economical construction makes this house even more attractive. You'll find a detached garage with storage space just beyond the back door and arbor making a delightful outdoor living space.



WIDTH 19'  
 DEPTH 40'-2"



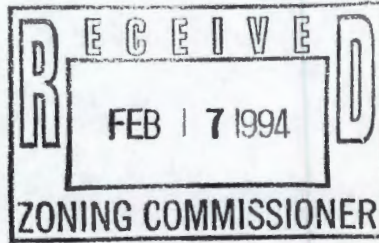
CASE # B 4576

803-94

2/15/94  
f

Yes!  
Nag on  
2/24

FEBRUARY 10, 1994



MR. JOSEPH LOTZ  
5904 HILLTOP AVENUE  
BALTIMORE, MD 21207

DEAR MR. LOTZ,

WE ARE AWARE THAT YOU HAVE CONCERNS ABOUT OUR PLANS FOR THE PROPERTY AT 5902 HILLTOP AVENUE. SINCE YOU FELT THAT THE RANCHER WE SUBMITTED WAS NON-CONFORMING TO THE LOT SIZE, WE HAVE PURCHASED PLANS FOR A TWO-STORY VICTORIAN COTTAGE.

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IN CLOSING WE WOULD LIKE TO ASSURE YOU THAT WARREN GRILL HAS BEEN IN THE HOME CONTRACTING BUSINESS FOR 35 YEARS AND WOULD NOT ENDANGER HIS GOOD AND LONGSTANDING REPUTATION BY BUILDING SOMETHING UNDESIREABLE.

WE UNDERSTAND YOUR CONCERNS AND ANXIETIES AND LOOK FORWARD TO MEETING WITH YOU ON FEBRUARY 20, 1994.

SINCERELY YOURS,

*Carole Grill*

*Warren Grill*

CAROLE AND WARREN GRILL  
6220 ROLLING VIEW DRIVE  
SYKESVILLE, MARYLAND 21784  
(410) 795-2598 OR (410) 549-1111

RECEIVED

FEB 15 1994

ZADM

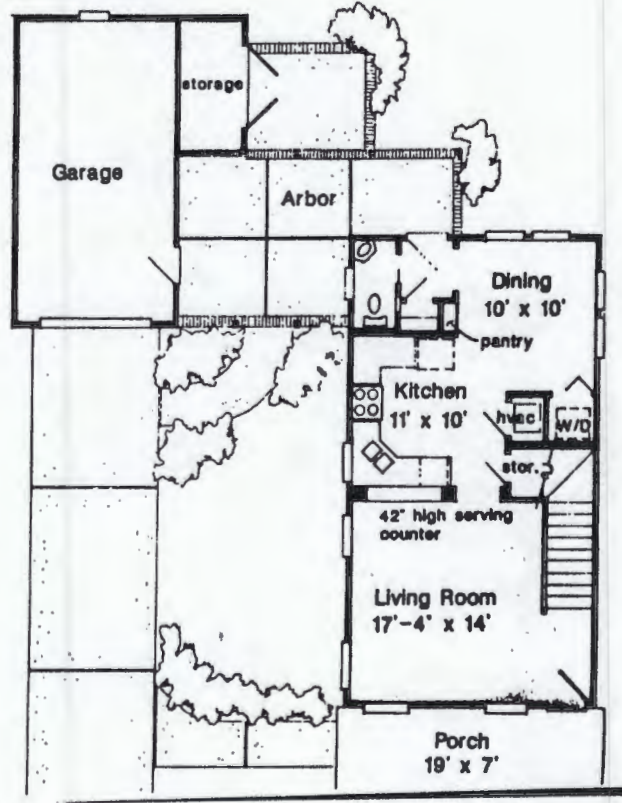
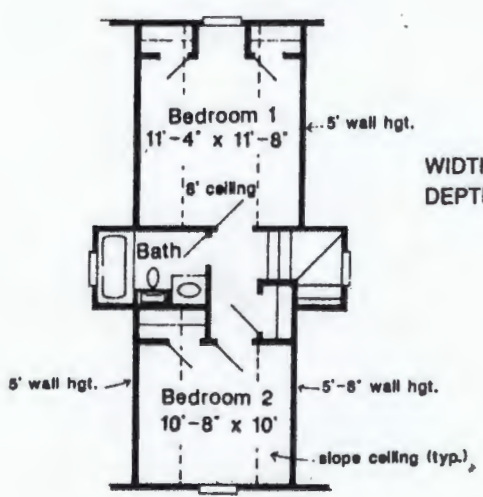
Gwen-  
I AM SENDING YOU  
A COPY OF THE LETTER  
AND NEW HOUSE PLAN  
THAT I SENT TO MR.  
LOTZ AND THE 20 OTHER  
PEOPLE THAT PROTESTED.  
PLEASE PUT THIS IN  
THE FILE SO THE  
ZONING COMMISSIONER  
IS AWARE OF THE  
NEW PLAN BEFORE  
THE HEARING.  
THANKS, SO MUCH!  
CAROLE GRILL  
CASE # B 184576



First Floor: 588 square feet  
 Second Floor: 397 square feet  
 Total: 985 square feet  
 Width 19'  
 Depth 40'-2"

● This quaint little Victorian cottage serves perfectly as a starter or second home; or maybe you have it in mind for a lakefront location. Beyond the front porch, the living room defines the front of the house. A full kitchen, a dining room and a powder room account for the back of the house. Each of these areas appreciates an abun-

dance of natural lighting and excellent space utilization. Upstairs, two family bedrooms share a full bath. Bedroom 1 enjoys twin closets. Economical construction makes this house even more attractive. You'll find a detached garage with storage space just beyond the back door and arbor making a delightful outdoor living space.



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

January 20, 1994

(410) 887-4386

**JAN 21 1994**

Mr. Joseph L. Lotz  
5904 Hilltop Avenue  
Baltimore, Maryland 21207

RE: Case No. B184576  
Protest to the Rezoning of 5902 Hilltop Avenue

Dear Mr. Lotz:

This is to acknowledge receipt of your recent letter regarding the above property.

Upon receipt of your letter, I reviewed the Zoning Commissioner's active files to determine whether a case was pending on this property. Unfortunately, I have not located any case which has been filed relating to this site. Moreover, the case number provided, B184576, does not sequentially follow the case numbers which are assigned to matters before this office.

In investigating the matter further, it appears that B184576 relates to a building permit which has been issued. Thus, I am referring your letter to Mr. Douglas Swam of the Office of Permits and Licenses for review and response, as necessary. If you have any questions regarding the permit which has been issued, I might suggest that you call Mr. Swam directly at 887-4455.

Lastly, kindly note that I have directed this response only to you irrespective of the fact that there were in excess of 20 people who signed the letter. As the first signee, I assume that you are acting as spokesman on behalf of your community.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

cc: Mr. Douglas Swam, Office of Permits and Licenses ✓

Zoning Commission  
111 W. Chesapeake Ave.  
Towson, MD 21204

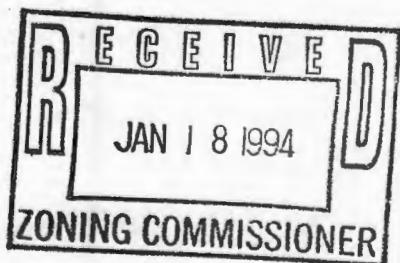
1/21  
gy  
JD LES

**To:** Baltimore County Zoning Commission  
**From:** Catonsville Gardens Residents  
**Subject:** Protest to the Rezoning of 5902 Hilltop Ave., Baltimore, MD 21207  
**Case No.:** B184576

The residents of Catonsville Gardens (Hilltop Ave. and the surrounding areas) are filing a formal protest to the proposed rezoning notice (Case No. B184576) posted on the vacant lot known as 5902 Hilltop Ave., Baltimore, MD 21207. We as the community residents have several concerns relating to the proposed rezoning and request a public hearing so that these concerns can be addressed.

1. What is the current description of the present zoning?
2. What is the description of the proposed rezoning?
3. What is the proposed configuration of the improvement structure requested for the property?
4. What impact will this structure have on neighborhood parking? Is offstreet parking a requirement?
5. Will the structure present an impediment to public safety regarding access of emergency vehicles?
6. What will be the requirements for setbacks and sideyards?
7. Will the structure be compatible with existing structures in the surrounding neighborhood? As it now appears, the structure and lot size are non-conforming.
8. How will property values be affected? Residents are concerned that the non-conforming lot size and structure and will be incompatible with the character of our community and thus will have an adverse effect on our property values.

As previously stated, the community residents request a public hearing on the proposed rezoning so that property owners can be heard on the above-mentioned concerns. Enclosed is a sketch and diagram of 5904 Hilltop Ave., which will be adjacent to the proposed structure. We hope that these matters can be resolved in a manner which is satisfactory to all concerned.



RECEIVED  
JAN 12 1994  
ZADM

Sincerely,

The Undersigned



The following is a list of residents who oppose the proposed rezoning:

JOSEPH L. LOTZ

Please Print Name

Joseph L. Lotz  
Signature

Joseph L. Lotz  
5904 Hilltop Ave.  
Baltimore, MD 21207

James I. Hannon

Please Print Name

James I. Hannon  
Signature

James I. Hannon  
5923 Hilltop Ave.  
Baltimore, MD 21207

STEVE M. NAGY

Please Print Name

Steve M. Nagy  
Signature

Steve M. Nagy  
5903 Hilltop Ave.  
Baltimore, MD 21207

SADIE LIBERTO

Please Print Name

Sadie Liberto  
Signature

Sadie Liberto  
5905 Hilltop Ave.  
Baltimore, MD 21207

Scott C. Snorffer

Please Print Name

Scott C. Snorffer  
Signature

Scott C. Snorffer  
5906 Hilltop Ave.  
Baltimore, MD 21207

MATTHEW PALMERIO

Please Print Name

Matthew Palmerio

Signature

Matthew Palmerio  
5907 Hilltop Ave.  
Baltimore, MD 21207

CASSANDRA BROWN

Please Print Name

Cassandra Brown

Signature

Cassandra Brown  
5908 Hilltop Ave.  
Baltimore, MD 21207

MARGARET C. ZELL

Please Print Name

Margaret C. Zell

Signature

Margaret Zell  
5910 Hilltop Ave.  
Baltimore, MD 21207

WARREN G. FISHER

Please Print Name

Warren G. Fisher

Signature

Warren G. Fisher  
5912 Hilltop Ave.  
Baltimore, MD 21207

MARGARET McCANCE

Please Print Name

Margaret McCance

Signature

Margaret McCance  
5914 Hilltop Ave.  
Baltimore, MD 21207

JAMES SCARFO  
Please Print Name

James Scarfo  
Signature

James Scarfo  
5916 Hilltop Ave.  
Baltimore, MD 21207

B. SCARFO  
Please Print Name

B. Scarfo  
Signature

Bryn Scarfo  
5918 Hilltop Ave.  
Baltimore, MD 21207

John T Koontz  
Please Print Name

John Koontz  
Signature

John Koontz  
5920 Hilltop Ave.  
Baltimore, MD 21207

Marcella E. Cummings  
Please Print Name

Marcella E. Cummings  
Signature

Marcella E. Cummings  
5925 Hilltop Ave.  
Baltimore, MD 21207

Joseph Del Giudice  
Please Print Name

Joseph Del Giudice  
Signature

Joseph Delguidice  
5926 Hilltop Ave.  
Baltimore, MD 21207

ANNE E. ROE  
Please Print Name

Anne E Roe  
Signature

Anne Roe  
5927 Hilltop Ave.  
Baltimore, MD 212107

EDDIE R. PRATT  
Please Print Name

Eddie R. Pratt  
Signature

Ray L. Pratt  
5929 Hilltop Ave.  
Baltimore, MD 21207

ANTHONY A. PALMERINO  
Please Print Name

Anthony A. Palmerino  
Signature

Anthony A. Palmerino  
1520 Dorchester Ave.  
Baltimore, MD 21207

Howard E. Burke  
Please Print Name

Howard E. Burke  
Signature

Howard E. Burke  
1518 1/2 Ingleside Ave.  
Baltimore, MD 21207

CHARLES C HARTSOCK  
Please Print Name

Charles C Hartsock  
Signature

Charles C. Hartsock  
1520 Ingleside Ave.  
Baltimore, MD 21207

ROBERT WIGGINS  
Please Print Name

Robert Wiggins  
Signature

Robert Wiggins  
1524 Ingleside Ave.  
Baltimore, MD 21207

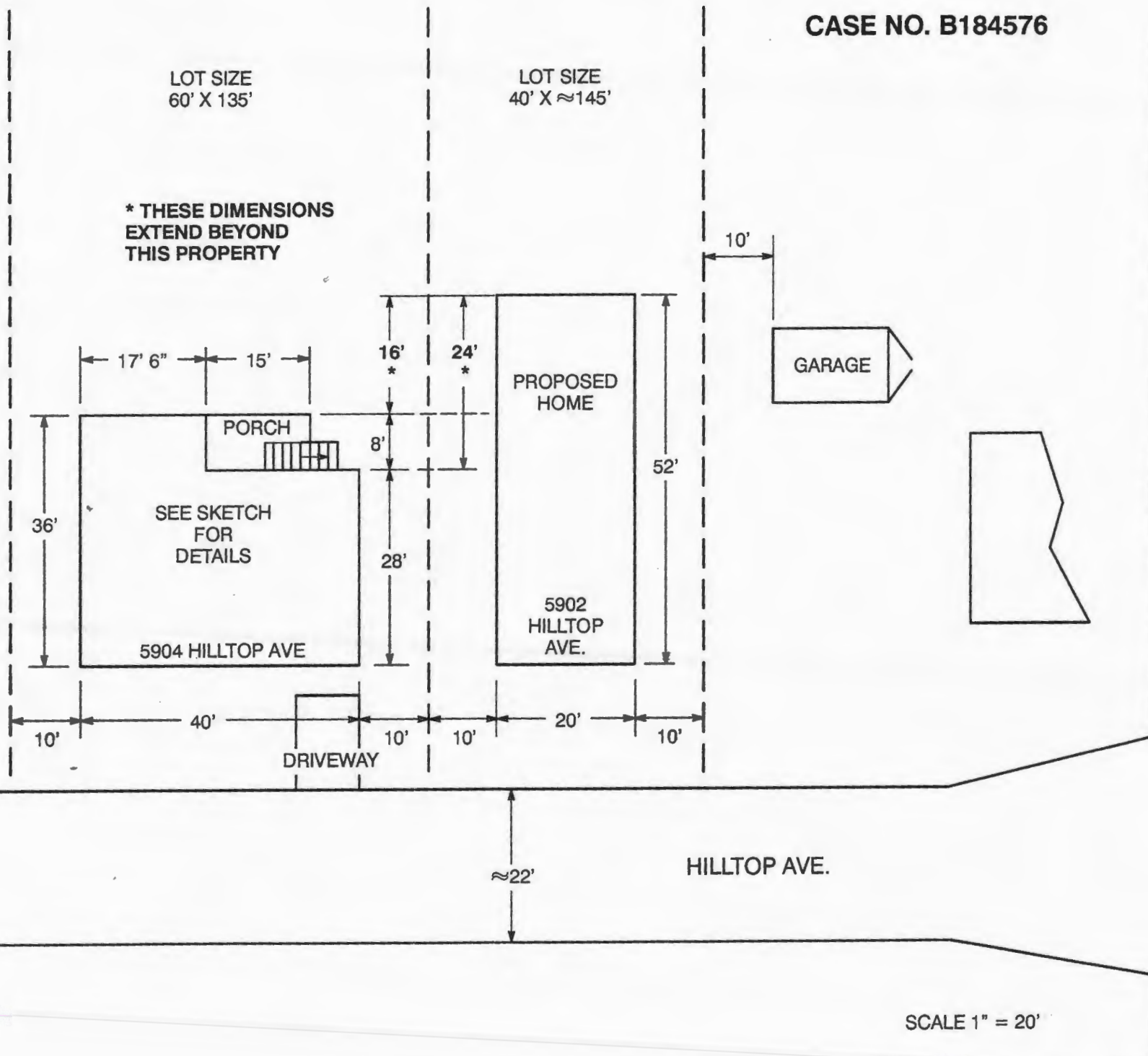
cc: Joseph L. Lotz  
James I. Hannon  
Steve M. Nagy  
Sadie Liberto  
Scott C. Snorffer  
Matthew Palmerio  
Cassandra Brown  
Margaret Zell  
Warren G. Fisher  
Margaret McCance  
James Scrofo  
Bryn Scrofo  
John Koontz  
Marcella E. Cummings  
Joseph Delguidice  
Anne Roe  
Ray L. Pratt  
Anthony A. Palmerio  
Howard E. Burke  
Charles C. Hartsock  
Robert Wiggins  
  
William Hughey, Community Planner

CASE NO. B184576

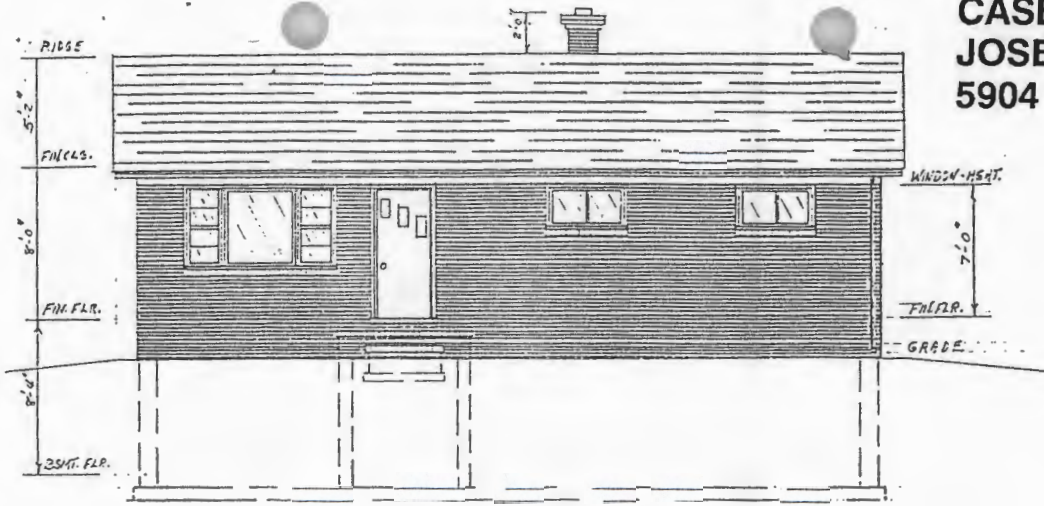
LOT SIZE  
60' X 135'

LOT SIZE  
40' X ≈145'

\* THESE DIMENSIONS  
EXTEND BEYOND  
THIS PROPERTY



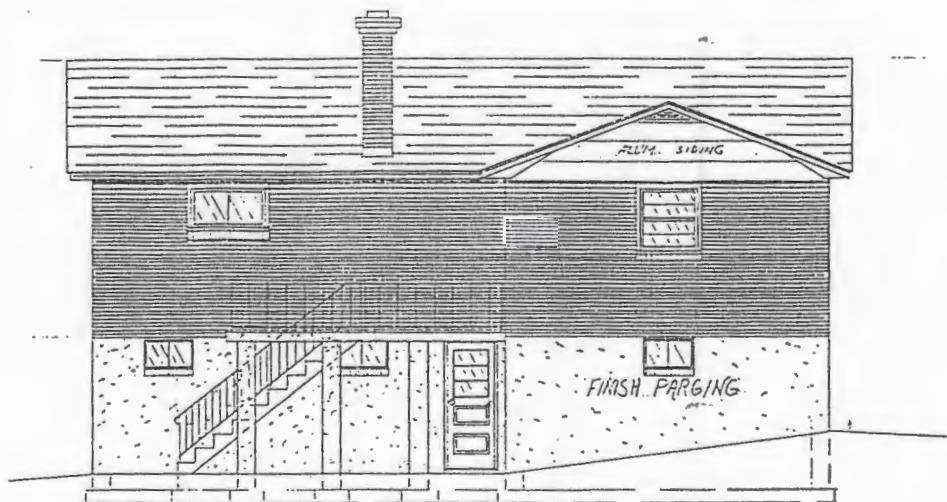
CASE NO. B184576  
JOSEPH L. LOTZ  
5904 HILLTOP AVE.



— FRONT ELEVATION —



— RIGHT SIDE ELEVATION —



— REAR ELEVATION —

210-94

1/12/94  
9

December 22, 1993

Dear Ms. Stephens

As a resident of 5916 Hilltop Ave, Balto. Md. 21207, I wish to protest the rezoning of the property at 5902 Hilltop Ave, ID # B184576. I believe it is not fair to the two border properties to have a home so close to their property line.

Respectfully  
Jim Scarfo

RECEIVED

JAN 11 1994

ZADM



To: ZADM

From: OPZ

Subject 5902 Hilltop ave.

I have reviewed the proposal for a change in architectural style of the house. It will be more compatible with the adjacent houses. I recommend APPROVAL.

Francis Mowsey  
January 12, 1994

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JANUARY 11, 1994

Ms. Carole Grill  
6220 Rolling View Drive  
Sykesville, Maryland 21784

Re: Undersized lot - 5902 Hilltop Avenue

Dear Ms. Grill:

Please be advised that pursuant to the Office of Planning and Zoning's comments and recommendations with regard to the above-referenced lot, permit #B184576NR has been denied.

Attached you will find a copy of said recommendation. If you wish to make changes in the house design, please contact OPZ within the next day or two to ascertain what would be acceptable. Your other option is to file an appeal to the Board of Appeals. If you wish to file an Appeal, please contact Zoning Administration at 887-3391 and ask for Julie.

A handwritten signature in cursive script that reads "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

AJ:ggs



1/4/94 75-94  
JO WLR  
delay permit!

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 29, 1993  
Zoning Administration and  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning & Zoning

SUBJECT: BUILDING PERMIT #B184576NR  
PURSUANT TO SECTION 304.2 (5902 HILLTOP AVE.)

Pursuant to the provisions of BCZR, Section 304.2A and 304.2B concerning use of undersized single-family lots, OPZ recommends denial of building permit for the following reasons:

1. The proposed dwelling is not appropriate in relation to existing structures in the neighborhood. This opinion is based on the 20' building width, 52' building length and lot coverage of the proposed dwelling.
2. The architectural style of the proposed house is not compatible with existing homes in the established neighborhood. Most homes along Hilltop Avenue are small ranchers with their longest building face running parallel to Hilltop Avenue. The proposed 20' wide house will run over 50 feet deep into the 40' wide lot at a perpendicular angle to Hilltop Avenue. This significant design element is a drastic departure from the norm on Hilltop Avenue and would probably have a negative effect on the neighborhood.

PK:BH:lw  
BHHILLTP/PZONE/TXTLLF

RECEIVED  
JAN 4 1994

ZADM

ALPHA 1/16 OFF. FILE.

BALTIMORE COUNTY SOIL CONSERVATION DISTRICT  
SEDIMENT AND EROSION CONTROL STANDARD PLAN  
FOR AREAS NOT TO EXCEED 20,000 SQUARE FEET

J-1

LANDOWNER: WARREN AND CAROLE GRILL

ADDRESS: 5902 HILLTOP AVENUE

BALTO., MD 21207, hereby requests a Standard Plan  
for Sediment and Erosion Control to be used for construction  
of SINGLE FAMILY DWELLING located at 5902 HILLTOP AVENUE.

Map Coordinates \_\_\_\_\_

Precinct: 03

District: 01

"I hereby certify that all requirements for this plan will be met and that all grading and construction will be done according to the requirements and guidelines for this plan.

Signature of Landowner/Agent: [Signature]

11-30-93  
(DATE)

Printed name of landowner/agent: WARREN C. GRILL

BALTIMORE COUNTY SOIL CONSERVATION DISTRICT

APPROVED FOR SEDIMENT CONTROL 299-COUNTY-92  
Plan Number

[Signature]  
DISTRICT OFFICIAL

Technical review for the District by:  
[Signature]  
USDA SOIL CONSERVATION SERVICE

Approved by the Baltimore County SCD, to be issued by Baltimore County.

Completed copy sent to SCD. Date \_\_\_\_\_

This plan is not valid for issue after 12-31-93.

IF ANY OF THE LIMITATIONS FOR THE USE OF THIS PLAN CANNOT BE MET, THIS PLAN CANNOT BE USED.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 27, 1993

Ms. Carole Grill  
6220 Rolling View Drive  
Sykesville, MD 21784

Subject: Limited Exemption Approval  
Harry Blackburn Property  
NW/s Ingleside Ave., E/s Hilltop Ave.  
1C2 - DRC No. 9233C

Dear Ms. Grill:

On August 23, 1993, the Development Review Committee reviewed the plan submitted on the above referenced project and determined it to be a Limited Exemption under Section 26-171(a) of the Baltimore County Development Regulations. This exempts your development from Division 2 of these regulations; however, compliance with Divisions 3, 4 and 5 is still required, as is compliance with all applicable zoning regulations.

Please be advised that additional requirements may need to be fulfilled prior to approval of a building permit. You may contact Environmental Impact Review of the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) at 887-2980 for details.

Accordingly, you may apply for a building permit with the Department of Permits and Licenses, in the County Office Building, Room 100, 111 West Chesapeake Avenue, Towson, MD. A copy of this Limited Exemption Approval letter should be presented when making application.

If you have any questions, please feel free to call me at 410-887-3353.

Respectfully,

A handwritten signature in cursive script that reads "Donald T. Rascoe".

Donald T. Rascoe, Manager  
Development Management

DTR:KAK:ggl  
c: DEPRM/GWM - Att: Larry Pilson, Chief  
OPZ - Att: Carolyn Beatty - M.S. 3402  
BLACKBUR/TXTGGL

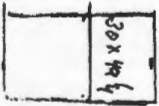
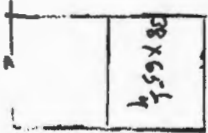


West side

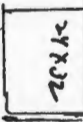
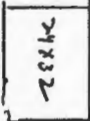
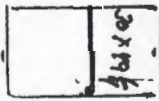
5/12 PGL

20 Year Fiberglass Shingles

Front



Vinyl Siding



3/16 = 1 FT

East side

5/12 PITCH

20 Year Fiberglass Sany Les

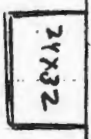
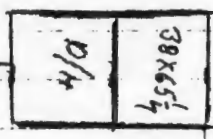
5" Gutter

213 Down Spout

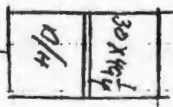
1-8"

Front

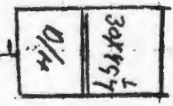
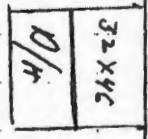
9' 4 1/2"



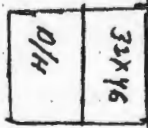
Vinyl Siding



12 FT



13 FT



6-0 X 6-0  
Siding  
Floor

RECORD  
EVIDENCE OF LOT 11  
ADV. NEW DEED ALSO  
SEE DRC. LTR.

**Baltimore County, Maryland  
Land Instrument Intake Sheet**

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article 311, §33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Tax-Property Article, §13-101 through 13-408, as amended, it is certified that an instrument of writing dated \_\_\_\_\_ conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

1 Description of Property (Check box(es) for item(s) to be indexed in land records)	Property Tax ID No. <u>01-02-470793</u>	Plat/Block	Map/Grid/Parcel No.	C R/C/F 16.00 CC IMP 5.00 0 # 21.00 21.00 5.00 16.00
	Subdivision/Tract	Lot Acreage <u>1.338</u>	Prior Deed Ref. <u>100-77/37</u>	
2 Transferred From	Street Address (or description if partial conveyance) <u>Valiant lot</u>			
3 Transferred To	Grantor(s) ( ) check box if additional sheets are attached <u>Warren G. Grill</u> <u>Carole L. Grill</u> Owner of record (if different from grantor)			
4 Type of Instrument	Grantor(s) ( ) check box if additional sheets are attached <u>Warren G. Grill</u> <u>Carole L. Grill</u>			
5 Exemptions (Cite authority or explain briefly)	<input checked="" type="checkbox"/> Deed	<input type="checkbox"/> Assignment of Mgt/COI	<input type="checkbox"/> Financing Statement	
	<input type="checkbox"/> Deed of Trust	<input type="checkbox"/> Contract	<input type="checkbox"/> Other (Specify)	
6 Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Land Installment Cont.		
	<input type="checkbox"/> Lease	<input type="checkbox"/> Power of Attorney		
7 Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650	Baltimore County Exempt Status Claimed:		County Taxes to be Paid	
	Recording Tax Exempt Status Claimed:		Transfer Tax Consideration	
8 Contact/Mail Information	State Exempt Status Claimed:		Office of Finance Use Only	
	Consideration Amount		Agri. Tax/Other:	
9 Certification	Purchase Price/Consideration (including any new mortgage)	Total Consideration or Assessed Factor		Special Recording Instructions (if any)
	Real Property	Total		
10 Assessment Information (410) 321-2299	Personal Property	Total		
	Balance of Assumed Mortgage	Total		
	Other	Total		
	Recording Charges	Total		
	State Transfer Tax	Total		
	County Recodulation Tax	Total		
	Surcharge	Total		
	Other	Total		
	Total	Total		

1993 RECEIPT  
#37921 001 R02 114:12  
CHECK TL 21.00  
SM CLERK 21.00  
DEED 5.00  
CC IMP 16.00  
C R/C/F  
12/02/93  
REC'D AND RECORDED  
FOR BALTIMORE COUNTY  
CLERK OF CIRCUIT CT  
SUZANNE MENSH

8 Instrument Prepared By	Return Instrument To	Mailing Address for Tax Bill
Name: <u>Rose Myers</u>	Name: <u>Warren Grill</u>	Name: <u>Warren Grill</u>
Firm: <u>Foundational Title</u>	Address: <u>same</u>	Address: <u>6270 Rollingwood Dr</u>
Address: <u>601-1 Old Liberty</u>	Address: <u>Sykesville, Md. 21784</u>	Address: <u>Sykesville, Md. 21784</u>
Address: <u>Sykesville, Md. 21784</u>	Phone: <u>549-5440</u>	
Phone: <u>549-5440</u>		

I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief.  
Signature: Rose Myers Date: 10/1/95

IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Yes	No	Will grantee be living at property conveyed?
Yes	No	Is grantor currently receiving a homeowners' tax credit?
Yes	No	Is property conveyed subject to agricultural transfer tax? If yes, enter amount:
Yes	No	If agricultural assessment on conveyance is to continue, have you attached a letter of intent?
Yes	No	Partial conveyance? If yes, amount of acreage transferred:

List improvements conveyed:  
If subdivision occurred after July 1, indicate former property tax ID number:  
Optional Expediting Information: A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.  
Yes  No  Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage:  
Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage):  
Location and improvement address:

Assessment Use Only - Do Not Write Below This Line

<input type="checkbox"/> Terminal Verification	<input type="checkbox"/> Dead Plotter
<input type="checkbox"/> Agricultural Verification	<input type="checkbox"/> Deed Tolerance
<input type="checkbox"/> Trans. Process Verification	<input type="checkbox"/> Assigned Property No
Whole	Part



RECORD  
 FUTURE OF COST LIA  
 ADV. NEW DEED ALSO  
 SEE DRC. LTR.

**Baltimore County, Maryland  
 Land Instrument Intake Sheet**

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §§ 33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, § 17-101 through 17-113, as amended, and Tax-Property Article, § 13-401 through 13-408, as amended, it is certified that an instrument of writing dated \_\_\_\_\_ conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

1 Description of Property (Check box(es) for item(s) to be indexed in land records)	Property Tax ID No. <u>01-02-470253</u>	Lot/Block	Map/Grid/Parcel No.	VAR. L.O.G.
	(Subdivision/Tract)	Net Acreage <u>1.3229</u>	Prior Deed Ref. <u>100-77/375</u>	<u>U</u>
2 Transferred From	Street Address (or description if partial conveyance) <u>vacant lot</u>			
	Grantor(s) ( ) check box if additional sheets are attached <u>Warren G. Gr. II</u> Owner of record (if different from grantor)			
3 Transferred To	Grantee(s) ( ) check box if additional sheets are attached <u>Warren G. Gr. II</u>			
	Deed	Assignment of Mtg/DOE	Financing Statement	
4 Type of Instrument	Deed of Trust	Contract	Other (Specify)	
	Mortgage	Land Installment Cont.		
5 Exemptions (Cite authority or explain briefly)	Baltimore County Exempt Status Claimed: <u>subdividing</u>			
	Recording Tax Exempt Status Claimed:			
6 Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416	Purchase Price/Consideration (including any new mortgage) \$ <u>0.00</u>		County Taxes to be Paid	
	Real Property		Transfer Tax Consideration	
7 Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650	Personal Property		\$ _____ x 1.6% = \$ _____	
	Balance of Assumed Mortgage		Office of Finance Use Only	
8 Contact/Mail Information	Other		Appt: _____ Tax Bill: _____	
	Total Consideration or Assessed Factor \$ _____		C.B. Credit: _____ Ag. Tax/Other: _____	
9 Certification	Recording Charges \$ _____		Special Recording Instructions (if any)	
	State Transfer Tax \$ _____			
10 Assessment Information (410) 321-2299	County Recording Tax \$ _____			
	Surcharge \$ _____			
Other \$ _____				
Total \$ _____				

Space Reserved for Circuit Court Recording Validation

1993 RECEIPT  
 #37921 C001 R02 T14:12  
 CHECK 21.00 TL  
 SM CLERK 21.00  
 DEED 0  
 CC IMF 5.00  
 C RCF 16.00  
 12/02/93  
 REC'D AND RECORDED  
 FOR BALTIMORE COUNTY  
 SUZANNE MENSCH  
 CLERK OF CIRCUIT CT.

7 Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650		8 Contact/Mail Information	
Instrument Prepared By Name: <u>Rose Myers</u> Firm: <u>TOWN AND COUNTRY TITLE</u> Address: <u>601-11 Old Lab Station</u> Phone: <u>549-5440</u>		Return Instrument To Name: <u>Warren Gr. II</u> Address: <u>6270 Rollingwood Dr</u> <u>Sykesville, MD 21784</u>	
9 Certification		Mailing Address for Tax Bill	
I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief. Signature: <u>Rose Myers</u> Date: <u>10/1/95</u>		Name: <u>Warren Gr. II</u> Address: <u>6270 Rollingwood Dr</u> <u>Sykesville, MD 21784</u>	

**IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER**

Yes	No	Will grantee be living at property conveyed?
Yes	No	Is grantor currently receiving a homeowners' tax credit?
Yes	No	Is property conveyed subject to agricultural transfer tax? If yes, enter amount:
Yes	No	If agricultural assessment on conveyance is to continue, have you attached a letter of intent?
Yes	No	Partial conveyance? If yes, amount of acreage transferred:

List improvements conveyed: \_\_\_\_\_

If subdivision occurred after July 1, indicate former property tax ID number: \_\_\_\_\_

Optional Expediting Information: A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.

Yes  No  Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage: \_\_\_\_\_

Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage): \_\_\_\_\_

Location and improvement address: \_\_\_\_\_

Assessment Use Only - Do Not Write Below This Line

Terminal Verification	Deed Plotter
Agricultural Verification	Deed Reference
Trans Process Verification	Assigned Property No
Whole	Disc
Part	

Distribution: Whole - Clerk's Office \ Canary - Office of Finance \ Disc - SDAT \ Gridwork - Proprietor

AOC-CC-100

Space Reserved for County Transfer Tax

AUGUST 6, 1993

HARRY BLACKBURN  
c/o CAROLE GRILL  
6220 ROWNING VIEW DRIVE  
SYKESVILLE, MD 21784  
(410) 795-2598 or (410) 549-1111

RE: 1528 INGLETSIDE AVE. LOTS 51, 52, 57, 58, 59, 60 AND  
PART OF LOTS 25 & 26

DEAR MR. JABKON,

TODAY I SPOKE TO SUE WIMBLEY ON BEHALF OF HARRY BLACKBURN. SUE WAS VERY HELPFUL TO ME AND RECOMMENDED THAT I WRITE THIS LETTER TO SEE IF YOU COULD APPROVE A LIMITED EXEMPTION UNDER 26-171 FOR A LOT LINE REVISION.

I AM TRYING TO GENERATE SOME CASH FLOW FOR NURSING CARE FOR MY 93 YEAR OLD UNCLE. HE PURCHASED THESE LOTS FOR INVESTMENT MANY YEARS AGO. SINCE THEN THE REQUIREMENTS FOR BUILDING LOTS HAVE CHANGED AND HE IS NOW SHORT OF THE 6000 SQ. FOOTAGE REQUIRED FOR A BUILDABLE LOT FOR D.R.S.S. AS YOU CAN SEE ON THE "PROPOSED" PLAT THAT I HAVE ENCLOSED, THE BACK PROPERTY LINE NEEDS TO BE MOVED BACK ABOUT 20 FT. THE NEW BACK PROPERTY LINE FOR LOTS 51 AND 52 WILL BE 10 FT FROM THE EXISTING GARAGE.

YOUR IMMEDIATE ATTENTION WOULD BE GREATLY APPRECIATED AS WE NEED TO HAVE AN ANSWER AS QUICKLY AS POSSIBLE. THANK-YOU.

SINCERELY,  
Carole Grill

Harry H Blackburn

INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

B B184576 NR  
Permit Number

TO: Director, Office of Planning and Zoning  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

SYKESVILLE, MD 21784  
 CAROLE H. GRILL 6220 ROLLING VIEW DR. (410) 795-2598  
Print Name of Applicant Address Telephone Number  
 Lot Address 5902 HILLTOP AVENUE Election District 01 Council District 01 Square Feet 6004  
 Lot Location: N E S W (side) corner of HILLTOP AVE, 125 feet from N E S W corner of INGLESIDE AVENUE  
(street) (street)  
 Lead Owner CAROLE & WARREN GRILL Tax Account Number 01-02-470253 PT.  
 Address 6220 ROLLING VIEW DRIVE Telephone Number (410) 795-2598  
SYKESVILLE, MD 21784

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning) PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input checked="" type="checkbox"/> SEE B#	<input type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adjoining Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Residential Processing Fee Paid  
Codes 030 & 080 (\$88)  
Accepted by [Signature]  
ZAD  
Date 12/13/93

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:

Approval     Disapproval     Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: \_\_\_\_\_  
for the Director, Office of Planning & Zoning

Date:

**B184576NR**

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

**Carole and Warren Grill 5902 HILLTOP AVE**

The application for your proposed Building Permit Application has been accepted for filing by JLL on \_\_\_\_\_ Date (A)

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

\*SUGGESTED POSTING DATE 1-3-94 D (15 Days Before C)

DATE POSTED 12/17/93

HEARING REQUESTED-YES \_\_\_ NO \_\_\_ -DATE \_\_\_\_\_

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 1-18-94 C (B-3 Work Days)

TENTATIVE DECISION DATE 1-21-94 B (A + 30 Days)

\*Usually within 15 days of filing

-----  
CERTIFICATE OF POSTING

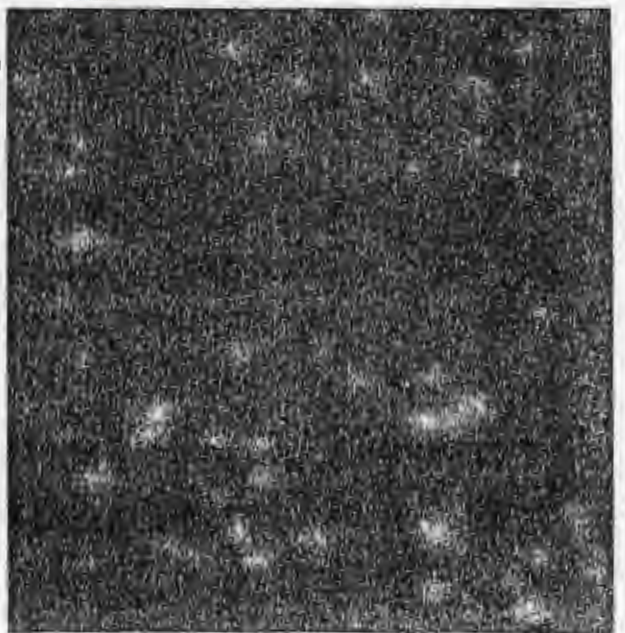
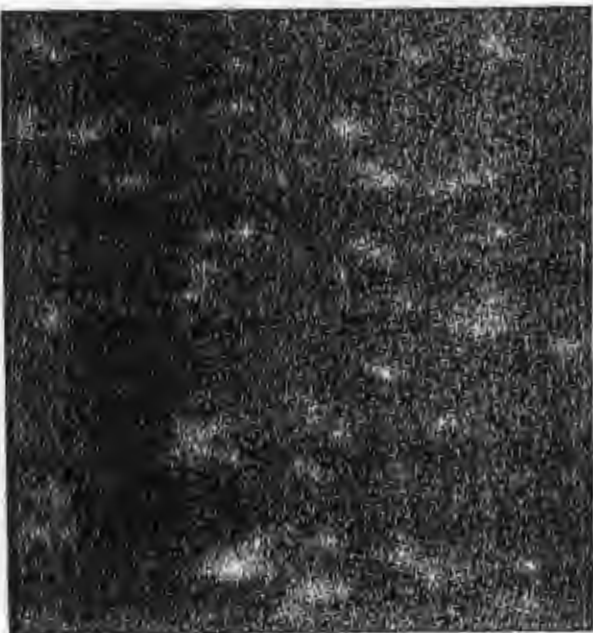
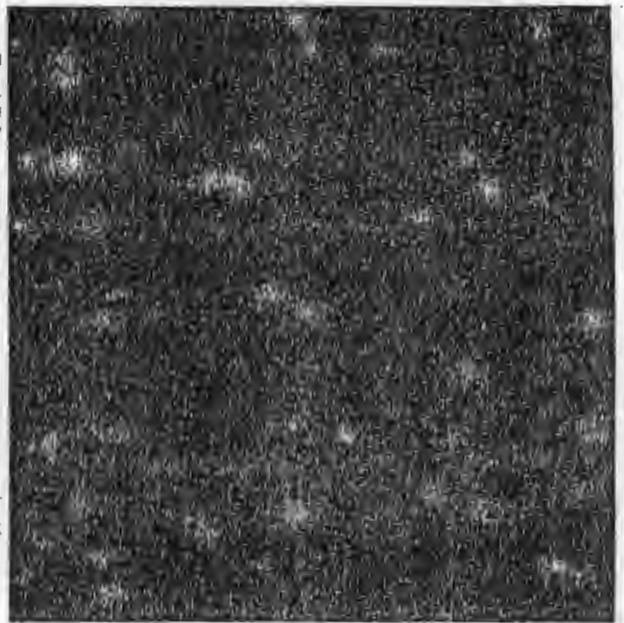
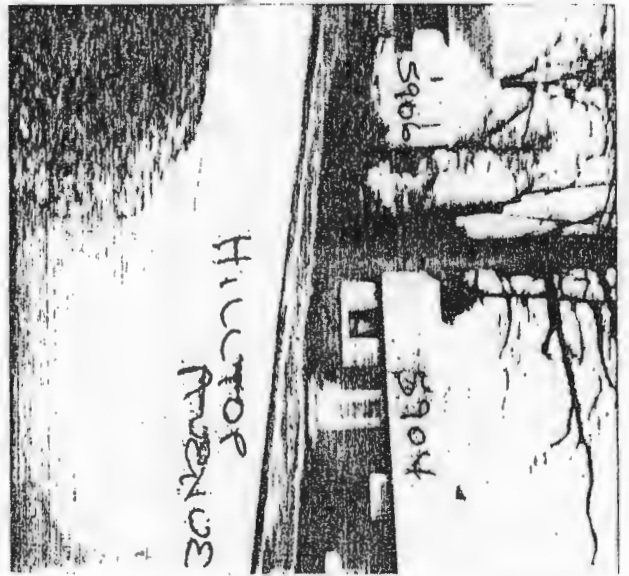
District 1st

Location of property: 5902 Hilltop Ave.

Posted by: [Signature] Date of Posting: 12/17/93  
Signature

Number of Signs: 1

CK/UNDER.LOT (TXTSOPH)

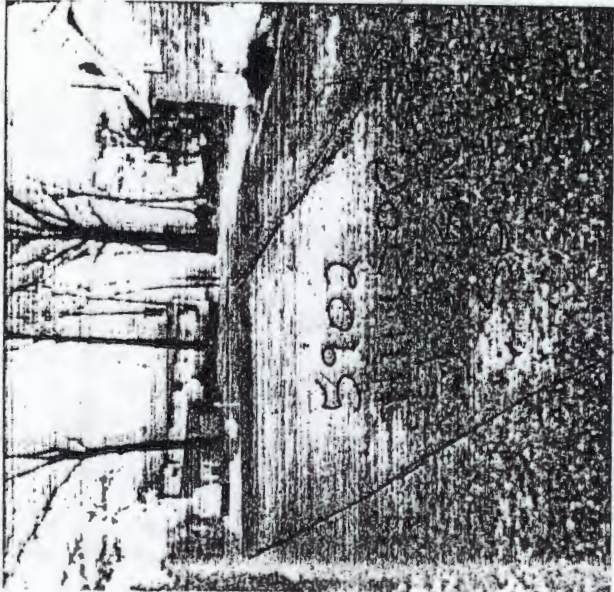


7-7004-04

7-7004-04

7-7004-04

7-7004-04

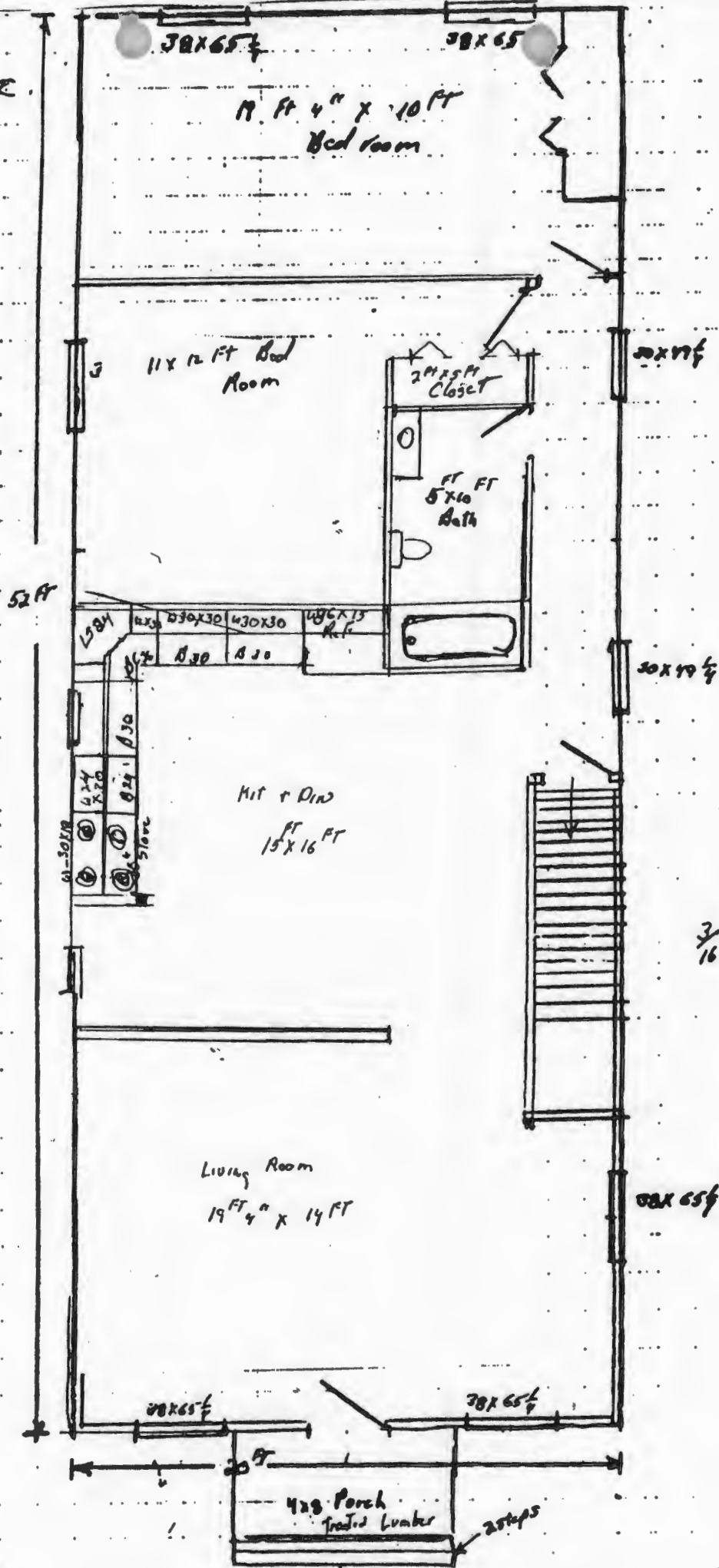


5902 HILTOP

5902  
HILLTOP AVE.

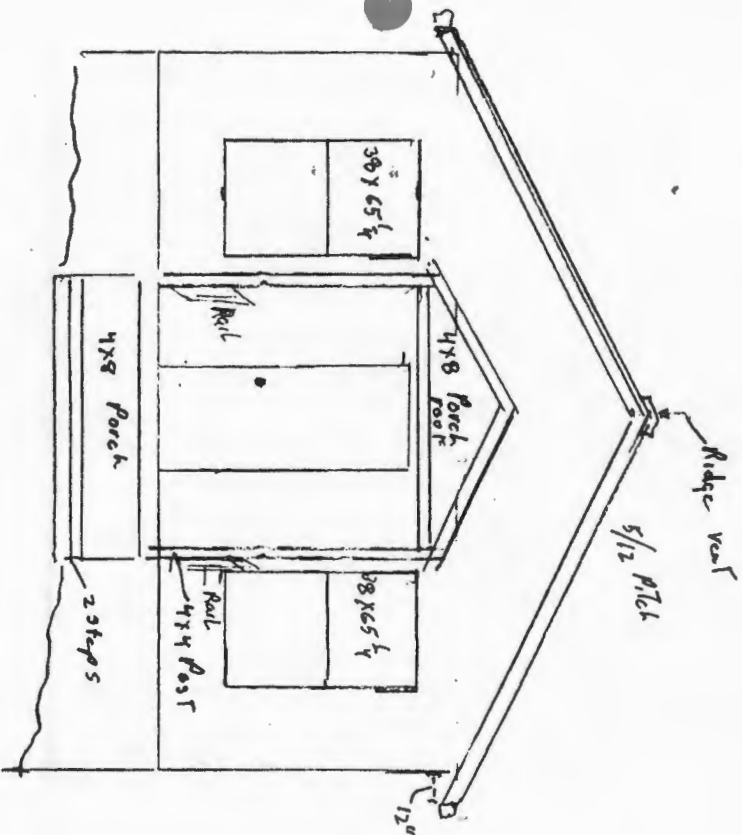
$\frac{3}{16} = 1 \text{ FT}$

Floor Plan



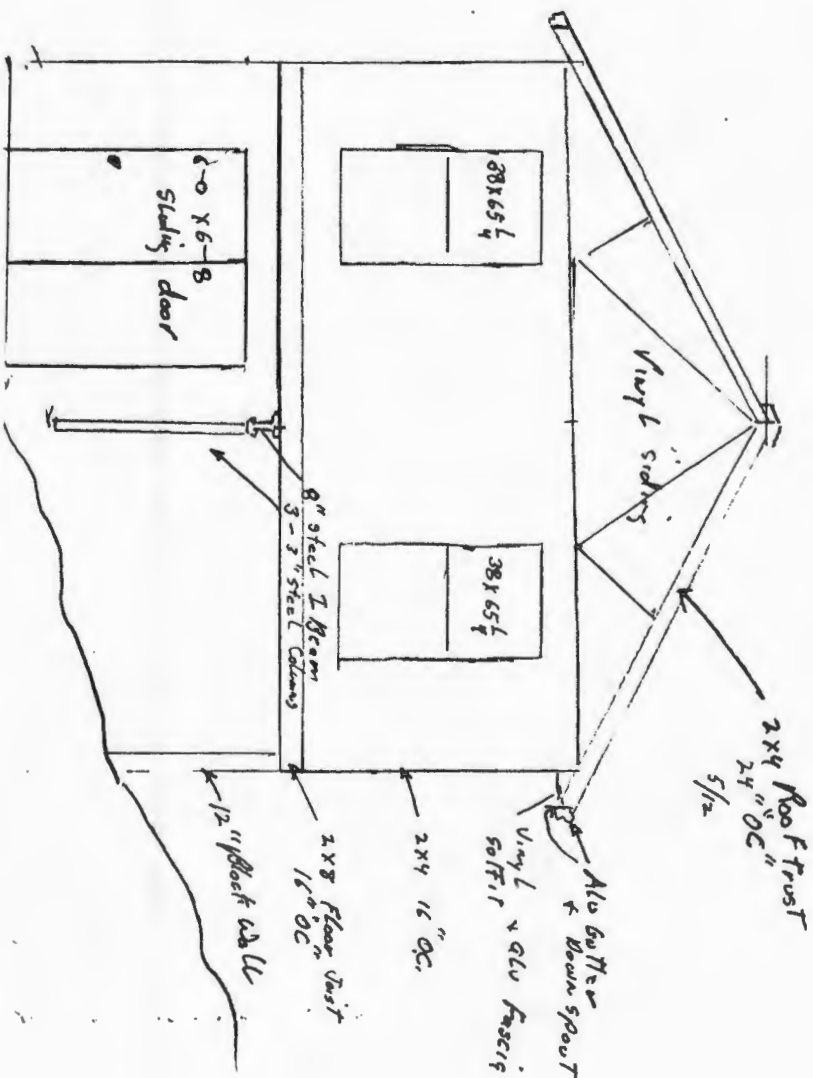
$\frac{3}{16} = 1 \text{ FT}$

Front



3/16 = 1 ft

Back





*Enacted in 1955*

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955;  
Bill No. 47, 1992.]

304.1--A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; and {B.C.Z.R., 1955; Bill No. 47, 1992.}
- B. all other requirements of the height and area regulations are complied with; {B.C.Z.R., 1955.}
- C. the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. {B.C.Z.R., 1955; Bill No. 47, 1992.}

*Qualifying section*

304.2-A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Office of Zoning Administration, at the time of application for a building permit, plans sufficient to allow the Office of Planning and Zoning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning and Zoning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood. {Bill No. 47, 1992.}

*House design*

B. At the time of application for the building permit, as provided above, the director of zoning administration shall request comments from the Director of the Office of Planning and Zoning (the director). Within fifteen (15) days of receipt of a request from the director of zoning administration, the director shall provide to the Office of Zoning Administration written recommendations concerning the application with regard to the following: {Bill No. 47, 1992.}

*Appropriateness*

1. Site design: New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.
2. Architectural design: Appropriateness shall be evaluated based upon one or more of these architectural design elements or aspects:
  - a. height;
  - b. bulk or massing;
  - c. major divisions, or architectural rhythm, of facades;

- d. proportions of openings such as windows and doors in relation to walls;
- e. roof design and treatment; and
- f. materials and colors, and other aspects of facade texture or appearance.

3. Design amendments: The director may recommend approval, disapproval, or modification of the building permit to conform with the recommendations proposed by the Office of Planning and Zoning.

304.3--Public Notice. Upon application for a building permit pursuant to this section, the subject property shall be posted conspicuously under the direction of the Office of Zoning Administration with notice of the application for a period of at least fifteen (15) days. {Bill No. 47, 1992.}

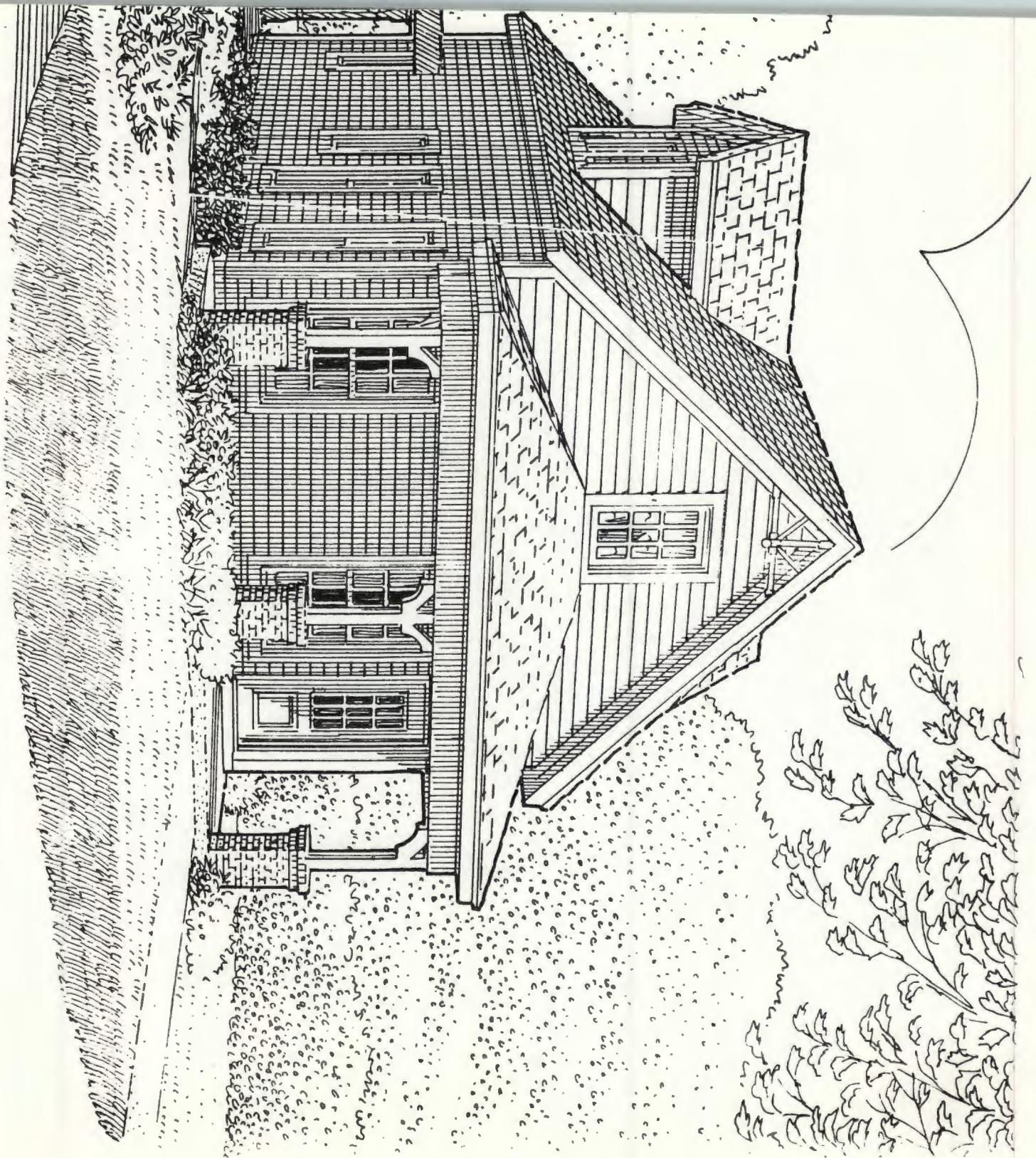
304.4--Public Hearing. {Bill No. 47, 1992.}

Within the fifteen (15) day posting period: 1) any owner or occupant within 1,000 feet of the lot may file a written request for a public hearing with the Office of Zoning Administration, or 2) the director of zoning administration may require a public hearing. The Office of Zoning Administration shall notify the applicant within twenty (20) days of the receipt of a request for a public hearing. A hearing before the zoning commissioner shall be scheduled within thirty (30) days from receipt of the request for public hearing. At the public hearing, the zoning commissioner shall make a determination whether the proposed dwelling is appropriate.

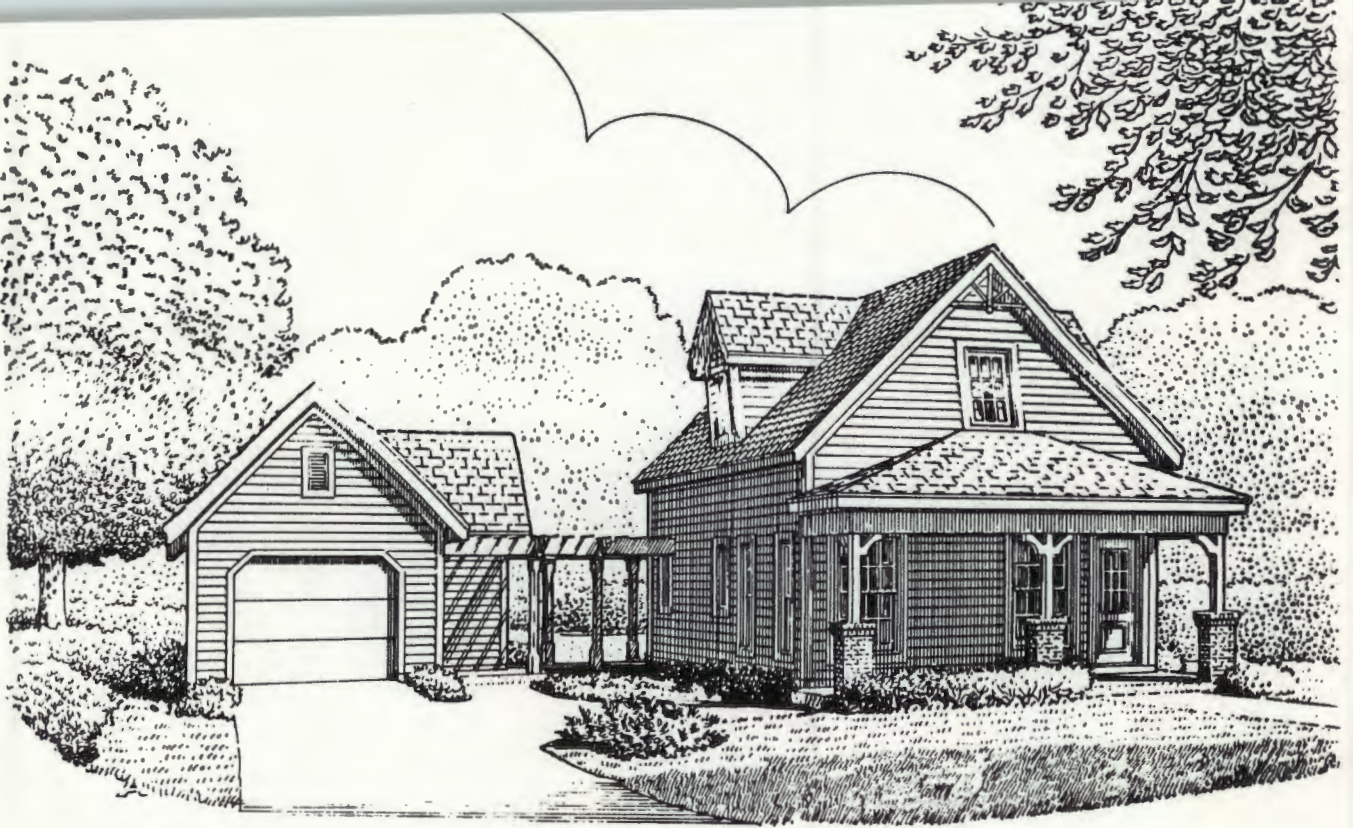
304.5--Final Approval. {Bill No. 47, 1992.}

- A. The director of zoning administration may issue the building permit; or
- B. Notwithstanding any provision to the contrary, the director of zoning administration may require a public hearing before the zoning commissioner pursuant to 304.4 above; or
- C. If the Office of Zoning Administration has not notified the applicant of a determination pursuant to the provisions of this section, or has not notified the applicant pursuant to Subsection 304.4 above of the intention to require a public hearing, the dwelling shall be considered appropriate for purposes of this section.

304.6--The decision of the zoning commissioner or the director of zoning administration may be appealed, in which case the hearing shall be scheduled by the Board of Appeals within forty-five (45) days from receipt of the request. {Bill No. 47, 1992.}



Pet no 4



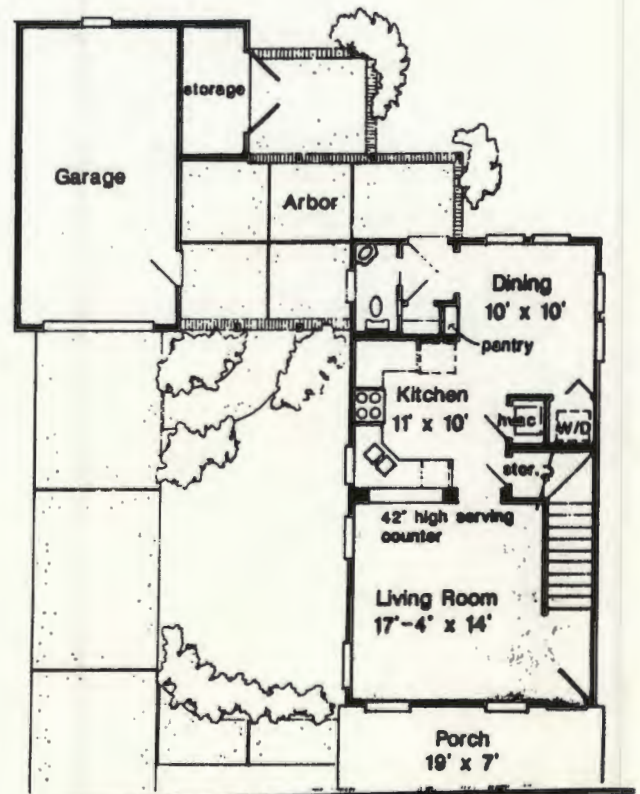
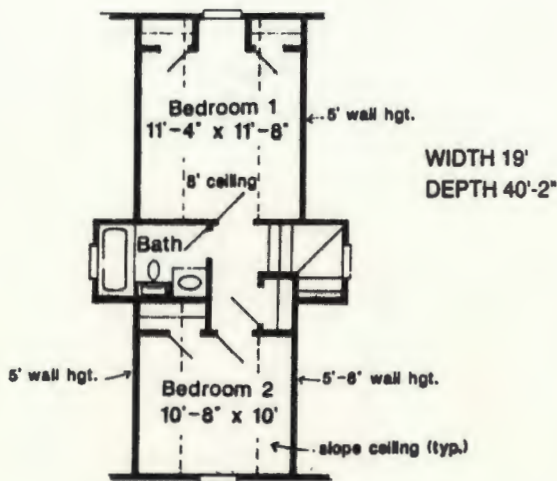
### Design AA9150

First Floor: 588 square feet  
 Second Floor: 397 square feet  
 Total: 985 square feet  
 Width 19'  
 Depth 40'-2"

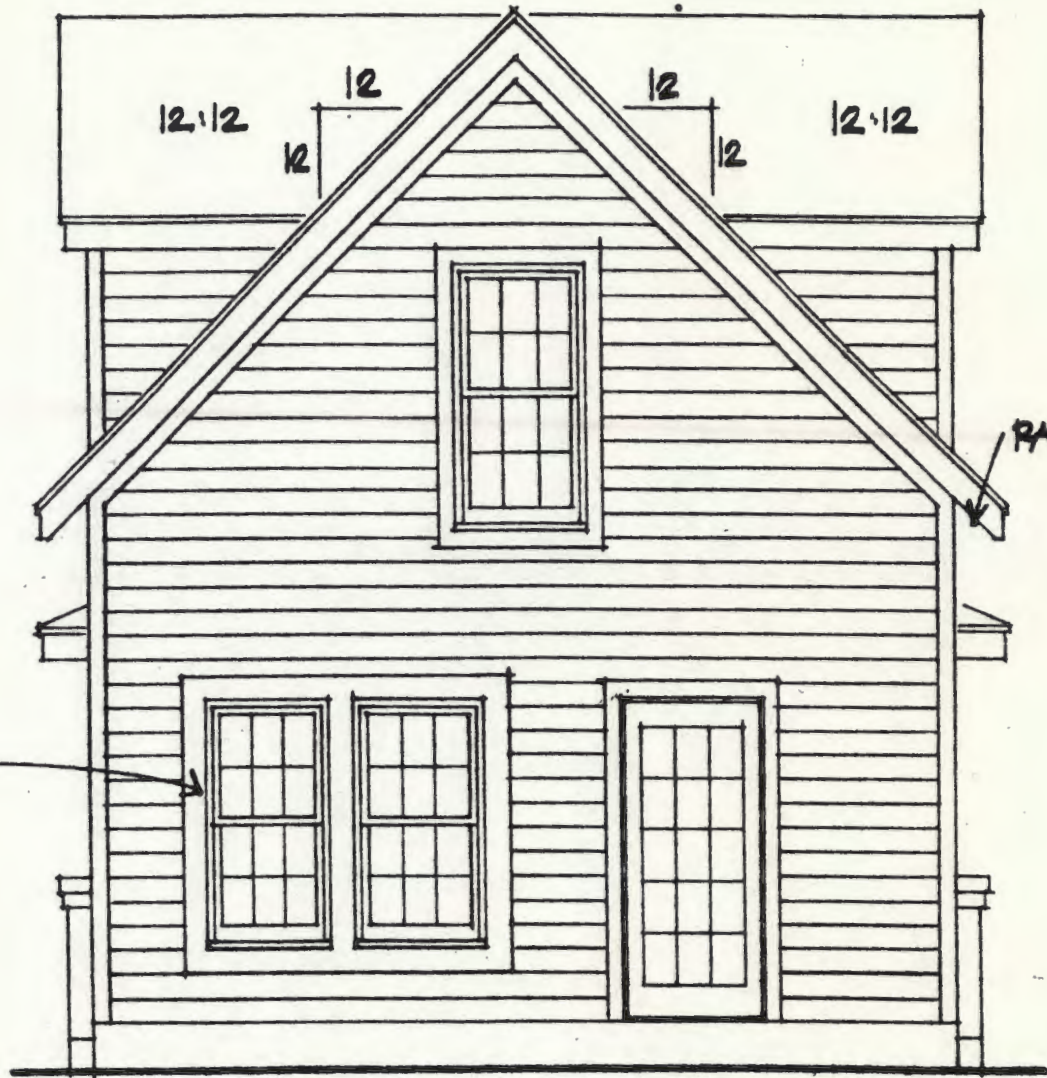
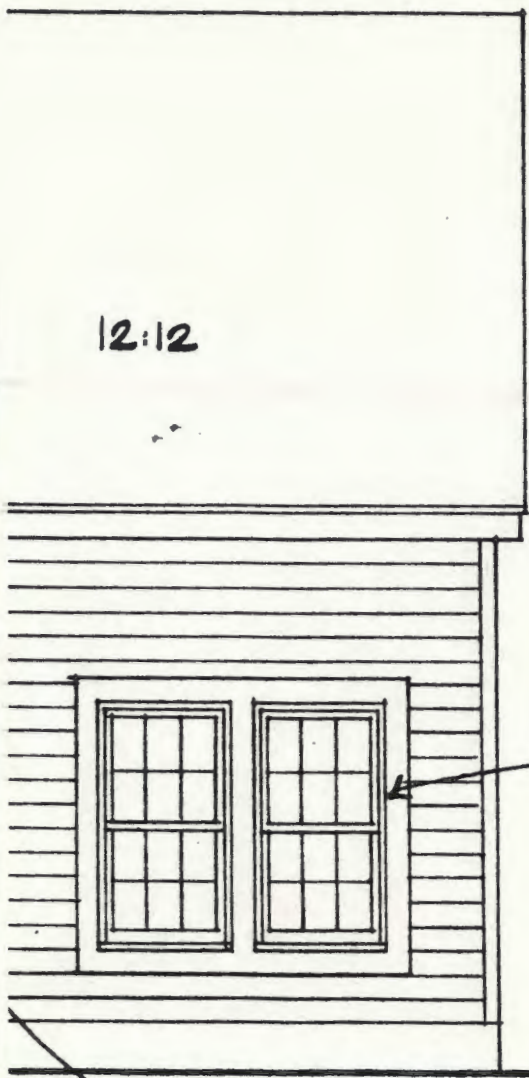
● This quaint little Victorian cottage serves perfectly as a starter or second home; or maybe you have it in mind for a lakefront location. Beyond the front porch, the living room defines the front of the house. A full kitchen, a dining room and a powder room account for the back of the house. Each of these areas appreciates an abundance

of natural lighting and excellent space utilization. Upstairs, two family bedrooms share a full bath. Bedroom 1 enjoys twin closets. Economical construction makes this house even more attractive. You'll find a detached garage with storage space just beyond the back door and arbor making a delightful outdoor living space.

Design by  
 Larry W.  
 Garnett &  
 Associates, Inc.



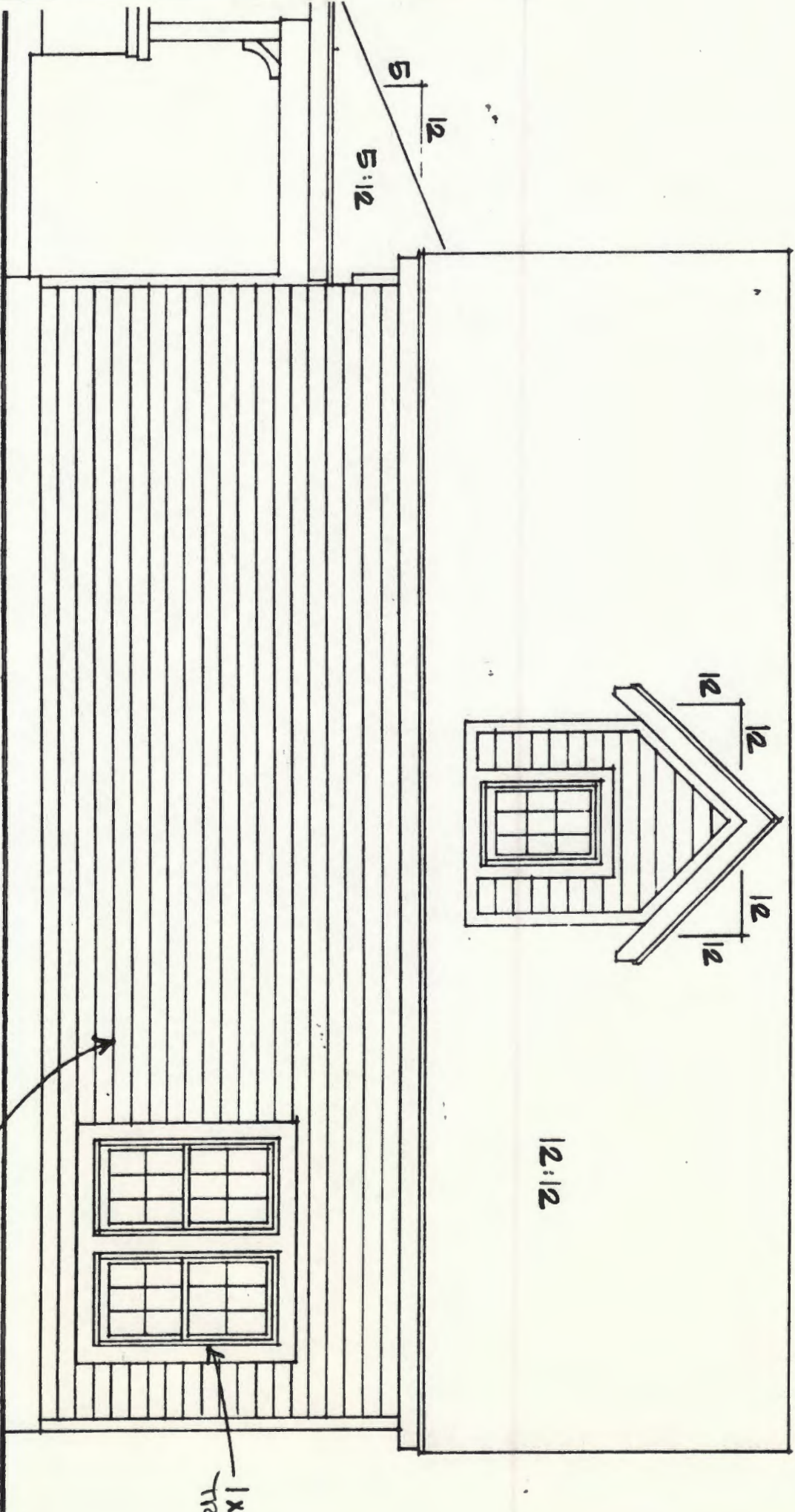
*Red No 5*



6" MASCHITE COUNTRYSIDE SIDING

REAR ELEVATION

DECORATIVE GABLE END



RIGHT SIDE ELEVATION

1" x 6" Masonite Country Siding

1" x 6" Trim

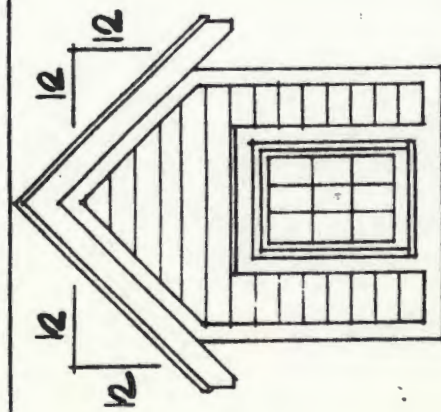
12:12

5:12

12:12

6' MASCHITE COUNT

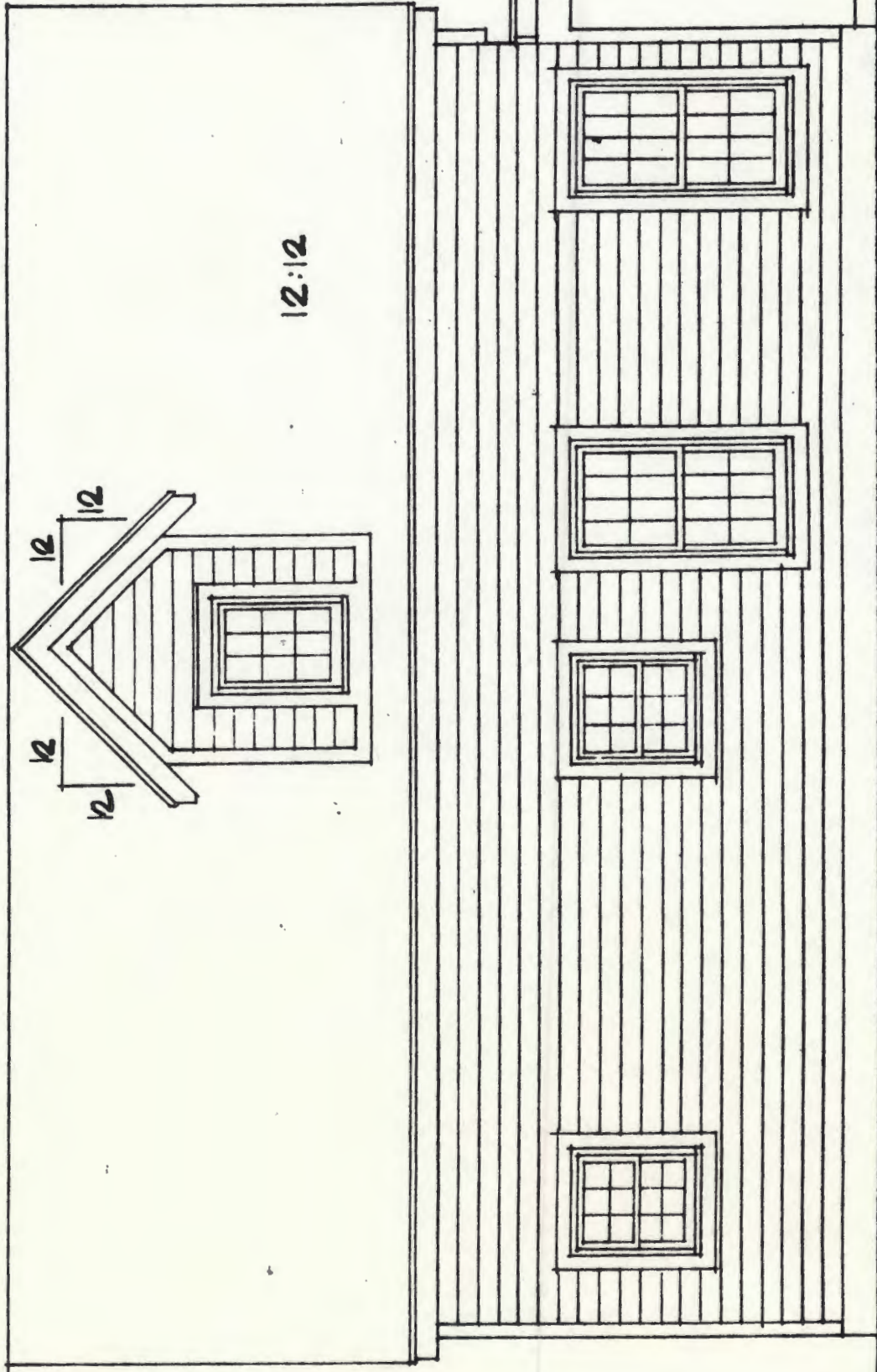
# RIGHT SIDE ELEVATION



12:12

2 x 6 PASC  
1 x 4 PRIZE  
1 x 10 PRZE

12 5  
5:12



12' E  
BRACKET

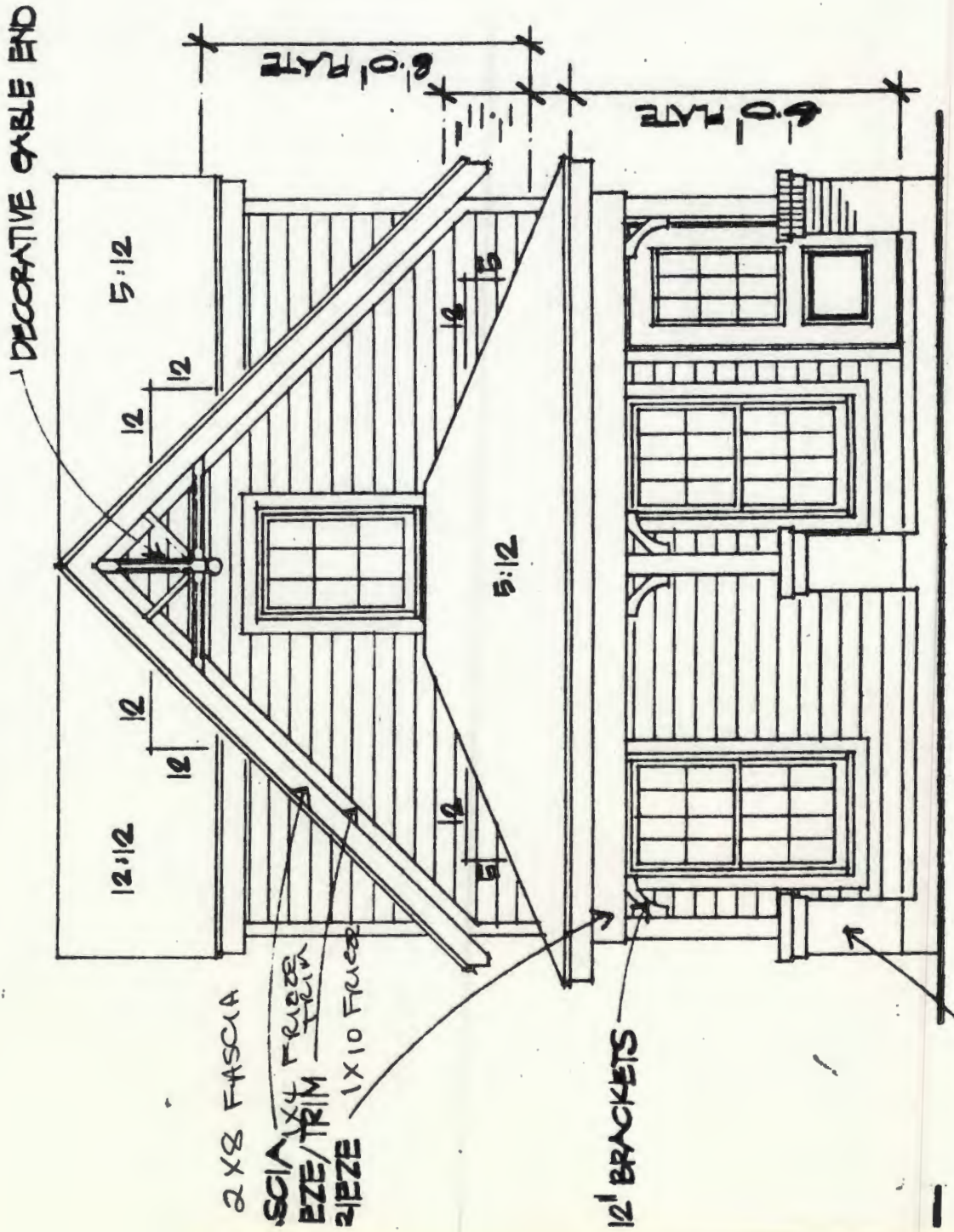
6x6 TREATED POST.  
SECURE TO FOUNDATION  
36" HIGH BRICK PIERCE

# LEFT SIDE ELEVATION



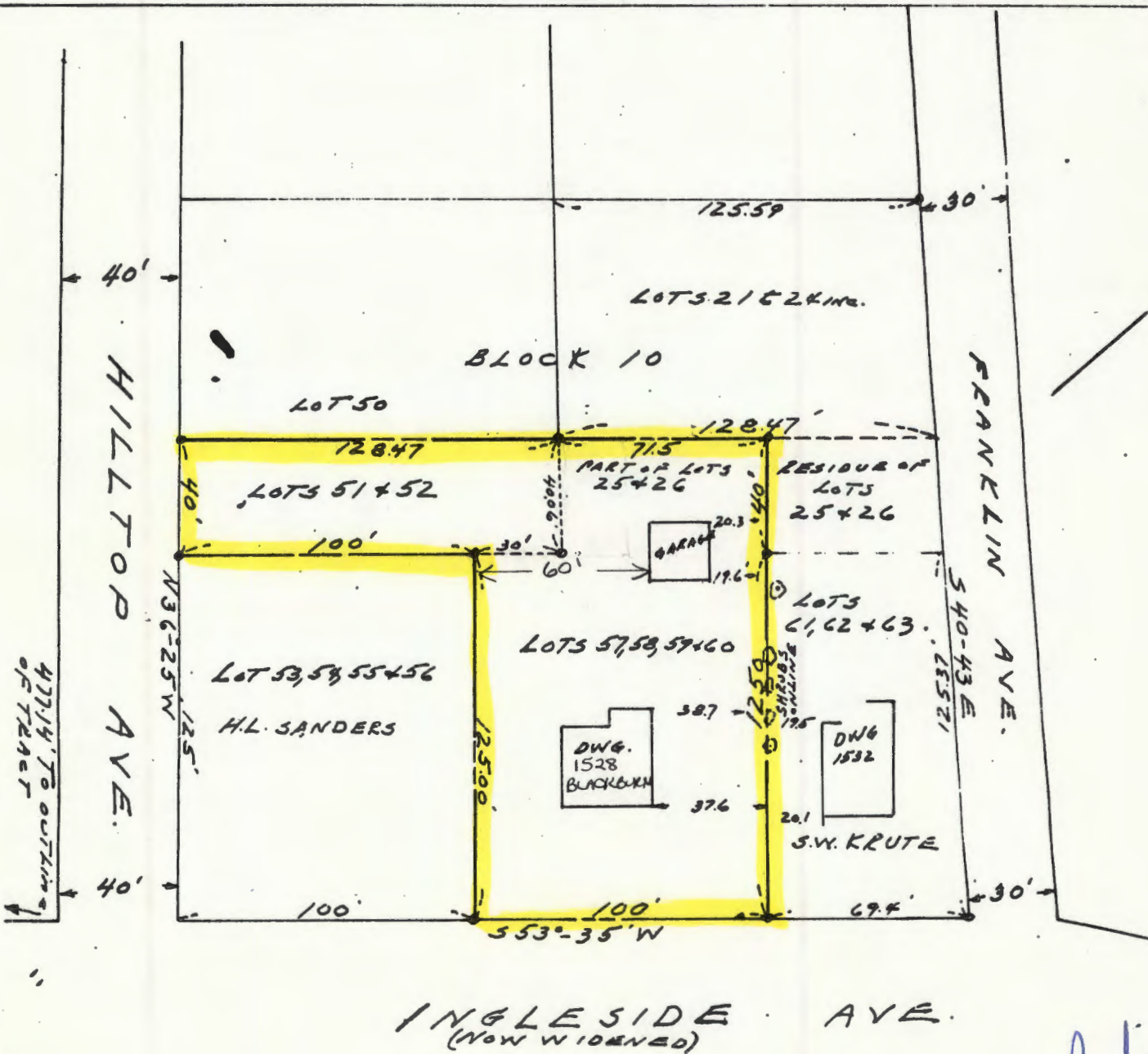
INSIDE SIDING

FRONT ELEVATION





**- EXISTING -**



**PLAT OF PROPERTY**  
**OF**  
**HARRY H. BLACKBURN**  
**CATONSVILLE GARDENS, 1ST. DIST. BALTO. CO. MD.**  
**LOTS 51, 52, 57, 58, 59, 60 and PART OF 25 & 26 BLK. 10.**  
**PLAT REC. IN PLAT BK. W.P.C. NO. 6-157**

SCALE 1" = 40' S  
 ROBERT C. NORRIS  
 OLD COURT RD.

